

Reduces Misdemeanor Theft Penalties & Makes Same Reductions for Other Theft-Related Offenses That Involve Use of Checks, Credit Cards, Receiving Stolen Property, Medical Services, Etc. – CL Art., §7-104, 7-108, 8-106, 8-206, 8-207, 8-209, 8-301, 8-516, 8-611, and 8-801

7-104.

(a) A person may not willfully or knowingly obtain or exert unauthorized control over property, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(b) A person may not obtain control over property by willfully or knowingly using deception, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(c) (1) A person may not possess stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person:

(i) intends to deprive the owner of the property;

(ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) In the case of a person in the business of buying or selling goods, the knowledge required under this subsection may be inferred if:

(i) the person possesses or exerts control over property stolen from more than one person on separate occasions;

1 (ii) during the year preceding the criminal possession charged, the
2 person has acquired stolen property in a separate transaction; or

3 (iii) being in the business of buying or selling property of the sort
4 possessed, the person acquired it for a consideration that the person knew was far below a
5 reasonable value.

6 (3) In a prosecution for theft by possession of stolen property under this
7 subsection, it is not a defense that:

8 (i) the person who stole the property has not been convicted,
9 apprehended, or identified;

10 (ii) the defendant stole or participated in the stealing of the property;

11 (iii) the property was provided by law enforcement as part of an
12 investigation, if the property was described to the defendant as being obtained through the
13 commission of theft; or

14 (iv) the stealing of the property did not occur in the State.

15 (4) Unless the person who criminally possesses stolen property participated
16 in the stealing, the person who criminally possesses stolen property and a person who has
17 stolen the property are not accomplices in theft for the purpose of any rule of evidence
18 requiring corroboration of the testimony of an accomplice.

19 (d) A person may not obtain control over property knowing that the property was
20 lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature
21 or amount of the property, if the person:

22 (1) knows or learns the identity of the owner or knows, is aware of, or learns
23 of a reasonable method of identifying the owner;

24 (2) fails to take reasonable measures to restore the property to the owner;
25 and

26 (3) intends to deprive the owner permanently of the use or benefit of the
27 property when the person obtains the property or at a later time.

28 (e) A person may not obtain the services of another that are available only for
29 compensation:

30 (1) by deception; or

31 (2) with knowledge that the services are provided without the consent of the
32 person providing them.

1 (f) Under this section, an offender's intention or knowledge that a promise would
2 not be performed may not be established by or inferred solely from the fact that the promise
3 was not performed.

4 (g) (1) A person convicted of theft of property or services with a value of:

5 (i) at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is
6 guilty of a felony and:

7 1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a
8 fine not exceeding \$10,000 or both; and

9 2. shall restore the property taken to the owner or pay the
10 owner the value of the property or services;

11 (ii) at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a
12 felony and:

13 1. is subject to imprisonment not exceeding ~~[15]~~ **10** years or a
14 fine not exceeding \$15,000 or both; and

15 2. shall restore the property taken to the owner or pay the
16 owner the value of the property or services; or

17 (iii) \$100,000 or more is guilty of a felony and:

18 1. is subject to imprisonment not exceeding ~~[25]~~ **20** years or a
19 fine not exceeding \$25,000 or both; and

20 2. shall restore the property taken to the owner or pay the
21 owner the value of the property or services.

22 (2) Except as provided in ~~[paragraphs (3) and (4)]~~ **PARAGRAPH (3)** of this
23 subsection, a person convicted of theft of property or services with a value of **AT LEAST \$100**
24 **BUT** less than ~~[\$1,000]~~ **\$1,500**, is guilty of a misdemeanor and:

25 (i) is subject to ~~[imprisonment not exceeding 18 months or a fine not~~
26 ~~exceeding \$500 or both];~~

27 1. **FOR A FIRST CONVICTION, IMPRISONMENT NOT**
28 **EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND**

29 2. **FOR A SECOND OR SUBSEQUENT CONVICTION,**
30 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH;**
31 **and**

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

3 (3) A person convicted of theft of property or services with a value of less
4 than \$100 is guilty of a misdemeanor and:

5 (i) is subject to imprisonment not exceeding 90 days or a fine not
6 exceeding \$500 or both; and

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

9 (4) Subject to paragraph (5) of this subsection, a person who has [two]
10 FOUR or more prior convictions under this subtitle and who is convicted of theft of property
11 or services with a value of less than [\$1,000] \$1,500 under paragraph (2) of this subsection
12 is guilty of a misdemeanor and:

13 (i) is subject to imprisonment not exceeding 5 years or a fine not
14 exceeding \$5,000 or both; and

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

17 (5) The court may not impose the penalties under paragraph (4) of this
18 subsection unless the State's Attorney serves notice on the defendant or the defendant's
19 counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before
20 trial that:

21 (i) the State will seek the penalties under paragraph (4) of this
22 subsection; and

23 (ii) lists the alleged prior convictions.

24 **7-108.**

25 (a) An indictment, information, warrant, or other charging document for theft
26 under this part, other than for taking a motor vehicle under § 7-105 of this part, is sufficient
27 if it substantially states:

28 “(name of defendant) on (date) in (county) stole (property or services stolen) of (name
29 of victim), having a value of (less than [\$1,000, at least \$1,000 but less than \$10,000, at least
30 \$10,000] \$1,500, AT LEAST \$1,500 BUT LESS THAN \$25,000, AT LEAST \$25,000 but less
31 than \$100,000, or \$100,000 or more) in violation of § 7-104 of the Criminal Law Article,
32 against the peace, government, and dignity of the State.”.

1 (b) An indictment, information, warrant, or other charging document for theft
 2 under this part for taking a motor vehicle under § 7-105 of this part is sufficient if it
 3 substantially states:

4 “(name of defendant) on (date) in (county) knowingly and willfully took a motor
 5 vehicle out of (name of victim)’s lawful custody, control, or use, without the consent of (name
 6 of victim), in violation of § 7-105 of the Criminal Law Article, against the peace, government,
 7 and dignity of the State.”.

8 (c) In a case in the circuit court in which the general form of indictment or
 9 information is used to charge a defendant with a crime under this part, the defendant, on
 10 timely demand, is entitled to a bill of particulars.

11 (d) Unless specifically charged by the State, theft of property or services with a
 12 value of less than \$100 as provided under § 7-104(g)(3) of this subtitle may not be considered
 13 a lesser included crime of any other crime.

14 **8-106.**

15 (a) (1) A person who obtains property or services with a value of at least
 16 [\$1,000] \$1,500 but less than [\$10,000] \$25,000 by issuing or passing a check in violation
 17 of § 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment
 18 not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.

19 (2) A person who obtains property or services with a value of at least
 20 [\$10,000] \$25,000 but less than \$100,000 by issuing or passing a check in violation of §
 21 8-103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not
 22 exceeding [15] 10 years or a fine not exceeding \$15,000 or both.

23 (3) A person who obtains property or services with a value of \$100,000 or
 24 more by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony
 25 and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not
 26 exceeding \$25,000 or both.

27 (b) A person who obtains property or services by issuing or passing more than one
 28 check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction is subject
 29 to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both if:

30 (1) each check that is issued is for [less than \$1,000] AT LEAST \$1,500 BUT
 31 LESS THAN \$25,000 and is issued to the same person within a 30-day period; and

32 (2) the cumulative value of the property or services is [\$1,000 or more] AT
 33 LEAST \$1,500 BUT LESS THAN \$25,000.

34 (c) Except as provided in subsections (b) and (d) of this section, a person who
 35 obtains property or services with a value of AT LEAST \$100 BUT less than [\$1,000] \$1,500

1 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a
2 misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 1
3 YEAR or a fine not exceeding \$500 or both.

4 (d) (1) A person who obtains property or services with a value of less than \$100
5 by issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a
6 misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine
7 not exceeding \$500 or both.

8 (2) It is not a defense to the crime of obtaining property or services with a
9 value of less than \$100 by issuing or passing a check in violation of § 8-103 of this subtitle
10 that the value of the property or services at issue is \$100 or more.

11 **8-206.**

12 (a) A person may not for the purpose of obtaining money, goods, services, or
13 anything of value, and with the intent to defraud another, use:

14 (1) a credit card obtained or retained in violation of § 8-204 or § 8-205 of
15 this subtitle; or

16 (2) a credit card that the person knows is counterfeit.

17 (b) A person may not, with the intent to defraud another, obtain money, goods,
18 services, or anything of value by representing:

19 (1) without the consent of the cardholder, that the person is the holder of a
20 specified credit card; or

21 (2) that the person is the holder of a credit card when the credit card had
22 not been issued.

23 (c) (1) (i) If the value of all money, goods, services, and other things of value
24 obtained in violation of this section is at least [\$1,000] \$1,500 but less than [\$10,000]
25 \$25,000, a person who violates this section is guilty of a felony and on conviction is subject
26 to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.

27 (ii) If the value of all money, goods, services, and other things of value
28 obtained in violation of this section is at least [\$10,000] \$25,000 but less than \$100,000, a
29 person who violates this section is guilty of a felony and on conviction is subject to
30 imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.

31 (iii) If the value of all money, goods, services, and other things of value
32 obtained in violation of this section is \$100,000 or more, a person who violates this section
33 is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years
34 or a fine not exceeding \$25,000 or both.

1 (2) Except as provided in paragraph (3) of this subsection, if the value of all
2 money, goods, services, and other things of value obtained in violation of this section is AT
3 LEAST \$100 BUT less than ~~[\$1,000]~~ \$1,500, a person who violates this section is guilty of
4 a misdemeanor and on conviction is subject to imprisonment not exceeding ~~[18 months]~~ 1
5 YEAR or a fine not exceeding \$500 or both.

6 (3) If the value of all money, goods, services, and other things of value
7 obtained in violation of this section ~~[does not exceed]~~ IS LESS THAN \$100, a person who
8 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
9 not exceeding 90 days or a fine not exceeding \$500 or both.

10 **8-207.**

11 (a) If a person is authorized by an issuer to furnish money, goods, services, or
12 anything of value on presentation of a credit card by the cardholder, the person or an agent
13 or employee of the person may not, with the intent to defraud the issuer or cardholder:

14 (1) furnish money, goods, services, or anything of value on presentation of:

15 (i) a credit card obtained or retained in violation of § 8-204 or §
16 8-205 of this subtitle; or

17 (ii) a credit card that the person knows is counterfeit; or

18 (2) fail to furnish money, goods, services, or anything of value that the
19 person represents in writing to the issuer that the person has furnished.

20 (b) (1) (i) If the value of all money, goods, services, and other things of value
21 furnished or not furnished in violation of this section is at least ~~[\$1,000]~~ \$1,500 but less
22 than ~~[\$10,000]~~ \$25,000, a person who violates this section is guilty of a felony and on
23 conviction is subject to imprisonment not exceeding ~~[10]~~ 5 years or a fine not exceeding
24 \$10,000 or both.

25 (ii) If the value of all money, goods, services, and other things of value
26 furnished or not furnished in violation of this section is at least ~~[\$10,000]~~ \$25,000 but less
27 than \$100,000, a person who violates this section is guilty of a felony and on conviction is
28 subject to imprisonment not exceeding ~~[15]~~ 10 years or a fine not exceeding \$15,000 or both.

29 (iii) If the value of all money, goods, services, and other things of value
30 furnished or not furnished in violation of this section is \$100,000 or more, a person who
31 violates this section is guilty of a felony and on conviction is subject to imprisonment not
32 exceeding ~~[25]~~ 20 years or a fine not exceeding \$25,000 or both.

33 (2) Except as provided in paragraph (3) of this subsection, if the value of all
34 money, goods, services, and other things of value furnished or not furnished in violation of

1 this section is **AT LEAST \$100 BUT less than [\$1,000] \$1,500**, a person who violates this
2 section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding
3 [18 months] **1 YEAR** or a fine not exceeding \$500 or both.

4 (3) If the value of all money, goods, services, and other things of value
5 furnished or not furnished in violation of this section [does not exceed] **IS LESS THAN \$100**,
6 a person who violates this section is guilty of a misdemeanor and on conviction is subject to
7 imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

8 **8-209.**

9 (a) A person may not receive money, goods, services, or anything of value if the
10 person knows or believes that the money, goods, services, or other thing of value was obtained
11 in violation of § 8-206 of this subtitle.

12 (b) (1) (i) If the value of all money, goods, services, and other things of value
13 obtained in violation of this section is at least [\$1,000] **\$1,500** but less than [\$10,000]
14 **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject
15 to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.

16 (ii) If the value of all money, goods, services, and other things of value
17 obtained in violation of this section is at least [\$10,000] **\$25,000** but less than \$100,000, a
18 person who violates this section is guilty of a felony and on conviction is subject to
19 imprisonment not exceeding [15] 10 years or a fine not exceeding \$15,000 or both.

20 (iii) If the value of all money, goods, services, and other things of value
21 obtained in violation of this section is \$100,000 or more, a person who violates this section
22 is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years
23 or a fine not exceeding \$25,000 or both.

24 (2) Except as provided in paragraph (3) of this subsection, if the value of all
25 money, goods, services, and other things of value obtained in violation of this section is **AT**
26 **LEAST \$100 BUT less than [\$1,000] \$1,500**, a person who violates this section is guilty of
27 a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] **1**
28 **YEAR** or a fine not exceeding \$500 or both.

29 (3) If the value of all money, goods, services, and other things of value
30 obtained in violation of this section [does not exceed] **IS LESS THAN \$100**, a person who
31 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
32 not exceeding 90 days or a fine not exceeding \$500 or both.

33 **8-301.**

34 (a) (1) In this section the following words have the meanings indicated.

1 (2) “Health care” means care, services, or supplies related to the health of an
2 individual that includes the following:

3 (i) preventative, diagnostic, therapeutic, rehabilitative, maintenance
4 care, palliative care and counseling, service assessment, or procedure:

5 1. with respect to the physical or mental condition or
6 functional status of an individual; or

7 2. that affects the structure or function of the body; and

8 (ii) the sale or dispensing of a drug, device, equipment, or other item
9 in accordance with a prescription.

10 (3) “Health information” means any information, whether oral or recorded
11 in any form or medium, that:

12 (i) is created or received by:

13 1. a health care provider;

14 2. a health care carrier;

15 3. a public health authority;

16 4. an employer;

17 5. a life insurer;

18 6. a school or university; or

19 7. a health care clearinghouse; and

20 (ii) relates to the:

21 1. past, present, or future physical or mental health or
22 condition of an individual;

23 2. provision of health care to an individual; or

24 3. past, present, or future payment for the provision of health
25 care to an individual.

26 (4) “Interactive computer service” means an information service, system, or
27 access software provider that provides or enables computer access by multiple users to a
28 computer server, including a system that provides access to the Internet and cellular phones.

1 (5) “Payment device number” has the meaning stated in § 8–213 of this title.

2 (6) (i) “Personal identifying information” includes a name, address,
3 telephone number, driver’s license number, Social Security number, place of employment,
4 employee identification number, health insurance identification number, medical
5 identification number, mother’s maiden name, bank or other financial institution account
6 number, date of birth, personal identification number, unique biometric data, including
7 fingerprint, voice print, retina or iris image or other unique physical representation, digital
8 signature, credit card number, or other payment device number.

9 (ii) “Personal identifying information” may be derived from any
10 element in subparagraph (i) of this paragraph, alone or in conjunction with any other
11 information to identify a specific natural or fictitious individual.

12 (7) “Re–encoder” means an electronic device that places encoded personal
13 identifying information or a payment device number from the magnetic strip or stripe of a
14 credit card onto the magnetic strip or stripe of a different credit card or any electronic
15 medium that allows such a transaction to occur.

16 (8) “Skimming device” means a scanner, skimmer, reader, or any other
17 electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or
18 permanently, personal identifying information or a payment device number encoded on the
19 magnetic strip or stripe of a credit card.

20 (b) A person may not knowingly, willfully, and with fraudulent intent possess,
21 obtain, or help another to possess or obtain any personal identifying information of an
22 individual, without the consent of the individual, in order to use, sell, or transfer the
23 information to get a benefit, credit, good, service, or other thing of value or to access health
24 information or health care.

25 (b–1) A person may not maliciously use an interactive computer service to disclose or
26 assist another person to disclose the driver’s license number, bank or other financial
27 institution account number, credit card number, payment device number, Social Security
28 number, or employee identification number of an individual, without the consent of the
29 individual, in order to annoy, threaten, embarrass, or harass the individual.

30 (c) A person may not knowingly and willfully assume the identity of another,
31 including a fictitious person:

32 (1) to avoid identification, apprehension, or prosecution for a crime; or

33 (2) with fraudulent intent to:

34 (i) get a benefit, credit, good, service, or other thing of value;

35 (ii) access health information or health care; or

1 (iii) avoid the payment of debt or other legal obligation.

2 (d) A person may not knowingly, willfully, and with fraudulent intent to obtain a
3 benefit, credit, good, service, or other thing of value or to access health information or health
4 care, use:

5 (1) a re-encoder to place information encoded on the magnetic strip or stripe
6 of a credit card onto the magnetic strip or stripe of a different credit card or use any other
7 electronic medium that allows such a transaction to occur without the consent of the
8 individual authorized to use the credit card from which the personal identifying information
9 or payment device number is being re-encoded; or

10 (2) a skimming device to access, read, scan, obtain, memorize, or store
11 personal identifying information or a payment device number on the magnetic strip or stripe
12 of a credit card without the consent of the individual authorized to use the credit card.

13 (e) A person may not knowingly, willfully, and with fraudulent intent possess,
14 obtain, or help another possess or obtain a re-encoder device or a skimming device for the
15 unauthorized use, sale, or transfer of personal identifying information or a payment device
16 number.

17 (f) A person may not knowingly and willfully claim to represent another person
18 without the knowledge and consent of that person, with the intent to solicit, request, or take
19 any other action to otherwise induce another person to provide personal identifying
20 information or a payment device number.

21 (g) (1) (i) A person who violates this section where the benefit, credit, good,
22 service, health information or health care, or other thing of value that is the subject of
23 subsection (b), (c), or (d) of this section has a value of at least ~~[\$1,000]~~ **\$1,500** but less than
24 ~~[\$10,000]~~ **\$25,000** is guilty of a felony and on conviction is subject to imprisonment not
25 exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

26 (ii) A person who violates this section where the benefit, credit, good,
27 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section
28 has a value of at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and on
29 conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding
30 \$15,000 or both.

31 (iii) A person who violates this section where the benefit, credit, good,
32 service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section
33 has a value of \$100,000 or more is guilty of a felony and on conviction is subject to
34 imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both.

35 (2) A person who violates this section where the benefit, credit, good, service,
36 health information or health care, or other thing of value that is the subject of subsection (b),
37 (c), or (d) of this section has a value of **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$1,500** is

1 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18
2 months] 1 YEAR or a fine not exceeding \$500 or both.

3 (3) A person who violates this section under circumstances that reasonably
4 indicate that the person's intent was to manufacture, distribute, or dispense another
5 individual's personal identifying information without that individual's consent is guilty of
6 a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine
7 not exceeding \$25,000 or both.

8 (4) A person who violates subsection (b-1), (c)(1), (e), or (f) of this section is
9 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18
10 months] 1 YEAR or a fine not exceeding \$500 or both.

11 (5) When the violation of this section is pursuant to one scheme or
12 continuing course of conduct, whether from the same or several sources, the conduct may be
13 considered as one violation and the value of the benefit, credit, good, service, or other thing
14 of value may be aggregated in determining whether the violation is a felony or misdemeanor.

15 **8-516.**

16 (a) If a violation of this part results in the death of an individual, a person who
17 violates a provision of this part is guilty of a felony and on conviction is subject to
18 imprisonment not exceeding life or a fine not exceeding \$200,000 or both.

19 (b) If a violation of this part results in serious injury to an individual, a person
20 who violates a provision of this part is guilty of a felony and on conviction is subject to
21 imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.

22 (c) If the value of the money, health care services, or other goods or services
23 involved is [1,000] \$1,500 or more in the aggregate, a person who violates a provision of
24 this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5
25 years or a fine not exceeding \$100,000 or both.

26 (d) A person who violates any other provision of this part is guilty of a
27 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine
28 not exceeding \$50,000 or both.

29 (e) (1) In this subsection, "business entity" includes an association, firm,
30 institution, partnership, and corporation.

31 (2) A business entity that violates a provision of this part is subject to a fine
32 not exceeding:

33 (i) \$250,000 for each felony; and

34 (ii) \$100,000 for each misdemeanor.

1 8-611.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Counterfeit mark” means:

4 (i) an unauthorized copy of intellectual property; or

5 (ii) intellectual property affixed to goods knowingly sold, offered for
6 sale, manufactured, or distributed, to identify services offered or rendered, without the
7 authority of the owner of the intellectual property.

8 (3) “Intellectual property” means a trademark, service mark, trade name,
9 label, term, device, design, or word adopted or used by a person to identify the goods or
10 services of the person.

11 (4) “Retail value” means:

12 (i) a trademark counterfeiter’s selling price for the goods or services
13 that bear or are identified by the counterfeit mark; or

14 (ii) a trademark counterfeiter’s selling price of the finished product,
15 if the goods that bear a counterfeit mark are components of the finished product.

16 (5) “Trademark counterfeiter” means a person who commits the crime of
17 trademark counterfeiting prohibited by this section.

18 (b) A person may not willfully manufacture, produce, display, advertise,
19 distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services
20 that the person knows are bearing or are identified by a counterfeit mark.

21 (c) If the aggregate retail value of the goods or services is [~~\$1,000~~] **\$1,500** or more,
22 a person who violates this section is guilty of the felony of trademark counterfeiting and on
23 conviction:

24 (1) is subject to imprisonment not exceeding [~~15~~] **10** years or a fine not
25 exceeding \$10,000 or both; and

26 (2) shall transfer all of the goods to the owner of the intellectual property.

27 (d) If the aggregate retail value of the goods or services is less than [~~\$1,000~~]
28 **\$1,500**, a person who violates this section is guilty of the misdemeanor of trademark
29 counterfeiting and on conviction:

30 (1) is subject to[

1 (i) for a first violation,] imprisonment not exceeding [18 months] 1
2 YEAR or a fine not exceeding \$1,000 or both]; or

3 (ii) for each subsequent violation, imprisonment not exceeding 18
4 months or a fine not exceeding \$5,000 or both]; and

5 (2) shall transfer all of the goods to the owner of the intellectual property.

6 (e) An action or prosecution for trademark counterfeiting in which the aggregate
7 retail value of the goods or services is less than [\$1,000] \$1,500 shall be commenced within
8 2 years after the commission of the crime.

9 (f) Any goods bearing a counterfeit mark are subject to seizure by a law
10 enforcement officer to preserve the goods for transfer to the owner of the intellectual property
11 either:

12 (1) under an agreement with the person alleged to have committed the
13 crime; or

14 (2) after a conviction under this section.

15 (g) State or federal registration of intellectual property is prima facie evidence that
16 the intellectual property is a trademark or trade name.

17 8-801.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Deception” has the meaning stated in § 7-101 of this article.

20 (3) “Deprive” has the meaning stated in § 7-101 of this article.

21 (4) “Obtain” has the meaning stated in § 7-101 of this article.

22 (5) “Property” has the meaning stated in § 7-101 of this article.

23 (6) (i) “Undue influence” means domination and influence amounting to
24 force and coercion exercised by another person to such an extent that a vulnerable adult or
25 an individual at least 68 years old was prevented from exercising free judgment and choice.

26 (ii) “Undue influence” does not include the normal influence that one
27 member of a family has over another member of the family.

28 (7) “Value” has the meaning stated in § 7-103 of this article.

1 (8) “Vulnerable adult” has the meaning stated in § 3-604 of this article.

2 (b) (1) A person may not knowingly and willfully obtain by deception,
3 intimidation, or undue influence the property of an individual that the person knows or
4 reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of
5 the vulnerable adult’s property.

6 (2) A person may not knowingly and willfully obtain by deception,
7 intimidation, or undue influence the property of an individual that the person knows or
8 reasonably should know is at least 68 years old, with intent to deprive the individual of the
9 individual’s property.

10 (c) (1) (i) A person convicted of a violation of this section when the value of
11 the property is at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony
12 and:

13 1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a
14 fine not exceeding \$10,000 or both; and

15 2. shall restore the property taken or its value to the owner,
16 or, if the owner is deceased, restore the property or its value to the owner’s estate.

17 (ii) A person convicted of a violation of this section when the value of
18 the property is at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and:

19 1. is subject to imprisonment not exceeding ~~[15]~~ **10** years or a
20 fine not exceeding \$15,000 or both; and

21 2. shall restore the property taken or its value to the owner,
22 or, if the owner is deceased, restore the property or its value to the owner’s estate.

23 (iii) A person convicted of a violation of this section when the value of
24 the property is \$100,000 or more is guilty of a felony and:

25 1. is subject to imprisonment not exceeding ~~[25]~~ **20** years or a
26 fine not exceeding \$25,000 or both; and

27 2. shall restore the property taken or its value to the owner,
28 or, if the owner is deceased, restore the property or its value to the owner’s estate.

29 (2) A person convicted of a violation of this section when the value of the
30 property is less than ~~[\$1,000]~~ **\$1,500** is guilty of a misdemeanor and:

31 (i) is subject to imprisonment not exceeding ~~[18 months]~~ **1 YEAR** or
32 a fine not exceeding \$500 or both; and

1 (ii) shall restore the property taken or its value to the owner, or, if the
2 owner is deceased, restore the property or its value to the owner's estate.

3 9-801.

4 (a) In this subtitle the following words have the meanings indicated.

5 (b) "Coerce" means to compel or attempt to compel another by threat of harm or
6 other adverse consequences.

7 (c) "Criminal gang" means a group or association of three or more persons whose
8 members:

9 (1) individually or collectively engage in a pattern of criminal gang activity;

10 (2) have as one of their primary objectives or activities the commission of
11 one or more underlying crimes, including acts by juveniles that would be underlying crimes
12 if committed by adults; and

13 (3) have in common an overt or covert organizational or command
14 structure.

15 (D) "ENTERPRISE" INCLUDES:

16 (1) A SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION,
17 BUSINESS TRUST, OR OTHER LEGAL ENTITY; OR

18 (2) ANY GROUP OF INDIVIDUALS ASSOCIATED IN FACT ALTHOUGH NOT
19 A LEGAL ENTITY.

20 [(d)] (E) "Pattern of criminal gang activity" means the commission of, attempted
21 commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts
22 by a juvenile that would be an underlying crime if committed by an adult, provided the
23 crimes or acts were not part of the same incident.

24 [(e)] (F) "Solicit" has the meaning stated in § 11-301 of this article.

25 [(f)] (G) "Underlying crime" means:

26 (1) a crime of violence as defined under § 14-101 of this article;

27 (2) a violation of § 3-203 (second degree assault), § 4-203 (wearing,
28 carrying, or transporting a handgun), § 9-302 (inducing false testimony or avoidance of
29 subpoena), § 9-303 (retaliation for testimony), § 9-305 (intimidating or corrupting juror), §
30 11-303 (human trafficking), § 11-304 (receiving earnings of prostitute), or § 11-306(a)(2),
31 (3), or (4) (house of prostitution) of this article;