

1 (10) 448 grams or more of any mixture containing phencyclidine;

2 (11) 448 grams or more of methamphetamine; or

3 (12) any mixture containing 448 grams or more of methamphetamine.

4 (b) For the purpose of determining the quantity of a controlled dangerous
5 substance involved in individual acts of manufacturing, distributing, dispensing, or
6 possessing under subsection (a) of this section, the acts may be aggregated if each of the
7 acts occurred within a 90-day period.

8 (c) (1) A person who is convicted of a violation of subsection (a) of this section
9 shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not
10 exceeding \$100,000.

11 (2) The court may not suspend any part of the mandatory minimum
12 sentence of 5 years.

13 (3) Except as provided in § 4-305 of the Correctional Services Article, the
14 person is not eligible for parole during the mandatory minimum sentence.

15 7-104.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (2) fails to take reasonable measures to restore the property to the owner;
4 and

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

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

9 (1) by deception; or

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

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

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

16 (i) at least ~~[\$1,000]~~ **\$2,000** but less than ~~[\$10,000]~~ **\$25,000** is
17 guilty of a felony and:

18 1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a
19 fine not exceeding \$10,000 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 (ii) at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a
23 felony and:

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

26 2. shall restore the property taken to the owner or pay the
27 owner the value of the property or services; or

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

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

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

3 (2) Except as provided in [paragraphs (3) and (4)] **PARAGRAPH (3)** of this
4 subsection, a person convicted of theft of property or services with a value of **AT LEAST**
5 **\$100 BUT** less than [~~\$1,000~~] **\$2,000**, is guilty of a misdemeanor and:

6 (i) is subject to imprisonment not exceeding [~~18~~] **12** 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) A person convicted of theft of property or services with a value of less
11 than \$100 is guilty of a misdemeanor and:

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

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

16 [(4) Subject to paragraph (5) of this subsection, a person who has two or
17 more prior convictions under this subtitle and who is convicted of theft of property or
18 services with a value of less than \$1,000 under paragraph (2) of this subsection is guilty of
19 a misdemeanor and:

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

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

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

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

30 (ii) lists the alleged prior convictions.]

31 7-108.

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

4 “(name of defendant) on (date) in (county) stole (property or services stolen) of (name
5 of victim), having a value of (less than [\$1,000, at least \$1,000 but less than \$10,000, at
6 least \$10,000] **\$2,000, AT LEAST \$2,000 BUT LESS THAN \$25,000, AT LEAST \$25,000**
7 but less than \$100,000, or \$100,000 or more) in violation of § 7–104 of the Criminal Law
8 Article, against the peace, government, and dignity of the State.”.

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

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

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

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

22 8–106.

23 (a) (1) A person who obtains property or services with a value of at least
24 **[\$1,000] \$2,000** but less than **[\$10,000] \$25,000** by issuing or passing a check in violation
25 of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment
26 not exceeding **[10] 5** years or a fine not exceeding \$10,000 or both.

27 (2) A person who obtains property or services with a value of at least
28 **[\$10,000] \$25,000** but less than \$100,000 by issuing or passing a check in violation of §
29 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not
30 exceeding **[15] 10** years or a fine not exceeding \$15,000 or both.

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

Links

The text above is extracted from the original HB1312 dated 2/13/2016.

To return to the page that sent you here, just close this window.

To see the current text of this legislation go to:

<http://mgaleg.maryland.gov/2016RS/bills/hb/hb1312f.pdf> or
<http://mgaleg.maryland.gov/2016RS/bills/sb/sb1005f.pdf>

To view the Maryland Alliance for Justice Reform summary page go to:

<http://www.ma4jr.org/jra-summary/>

To view the Maryland Alliance for Justice Reform's index to the JRA:

<http://www.ma4jr.org/jra-index/>

To see the legislative initiatives of the Maryland Alliance for Justice Reform:

<http://www.ma4jr.org/initiatives/>

To get further information about the Maryland Alliance for Justice Reform:

<http://www.ma4jr.org/>

Maryland Alliance for Justice Reform (MAJR) played a central 2015 role in advocating and supporting efforts to pass the Justice Reinvestment initiative in Maryland. While the 2016 JRA bill is not perfect from MAJR's viewpoint, its many important reforms could reduce Maryland's prison population by 16% and save \$270 million within 10 years.

By reinvesting those funds in alternatives to incarceration, our state's crime rate also could be reduced, taxpayer funds could be saved, while communities and families are strengthened. **For all these reasons, MAJR strongly recommends support and passage of the 2016 Maryland Justice Reinvestment Act.** Together, we can work to fill policy gaps and make further improvements through supplemental policy initiatives and legislation in future years.