E1, E2 6lr3013 CF SB 949

By: Delegates Anderson, Atterbeary, Carter, Conaway, Dumais, Glass, Malone, McComas, Moon, Rosenberg, Sanchez, Smith, Sydnor, and B. Wilson

Introduced and read first time: February 12, 2016

Assigned to: Judiciary

AN ACT concerning

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## A BILL ENTITLED

2	Crimes - Robbery, Burglary, or Theft of Property - Controlled Dangerous		
3	Substances Substances		
4	FOR the purpose of clarifying that the crime of robbery includes robbing or attempting to		
5	rob another of certain controlled dangerous substances; establishing the offense of		
6	breaking and entering the storehouse of another with the intent to steal, take, or		
7	carry away certain controlled dangerous substances; providing that a certain penalty		
8	applies to a certain offense; providing that a certain person shall be ordered to		
9	undergo a certain drug assessment; providing that a certain person shall be entered		
10	into a certain drug addiction treatment program instead of being subject to a certain		

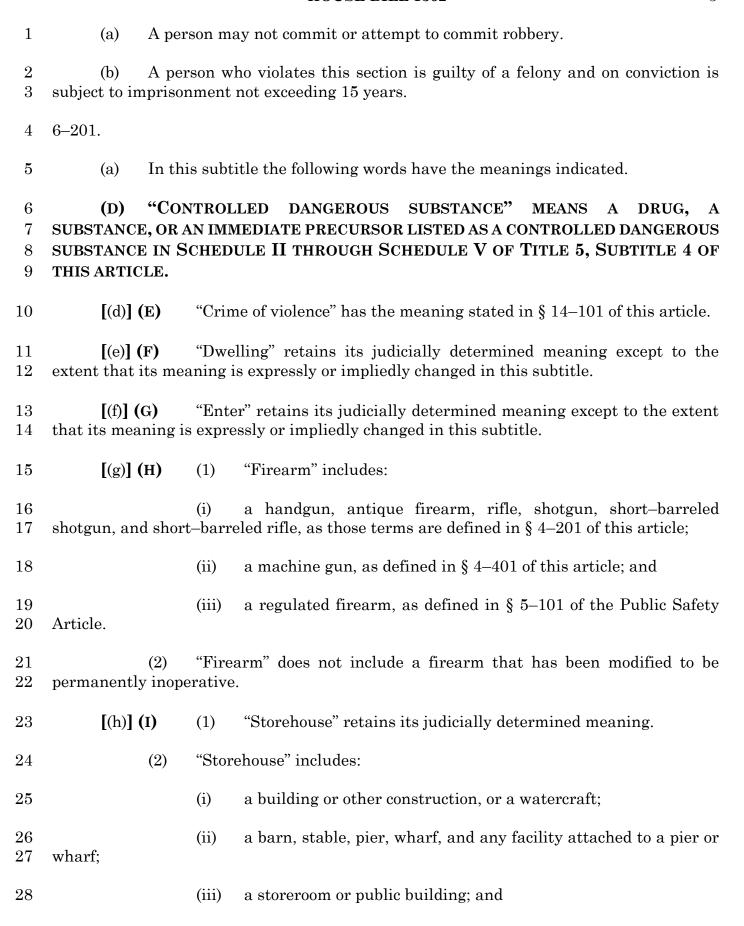
- penalty; clarifying that the crime of theft includes the theft of certain controlled dangerous substances; defining certain terms; and generally relating to controlled
- dangerous substances.
- 14 BY repealing and reenacting, without amendments,
- 15 Article Criminal Law
- Section 3-401(a), (d)(1), and (e), 3-402, 6-201(a), 7-101(a) and (i)(1), and
- 17 7–104(a) through (g)
- 18 Annotated Code of Maryland
- 19 (2012 Replacement Volume and 2015 Supplement)
- 20 BY repealing and reenacting, with amendments,
- 21 Article Criminal Law
- Section 3-401(d)(2)(xiii) and (xiv), 6-201(d) through (h), 6-203, and
- 7-101(i)(2)(xiii) and (xiv)
- 24 Annotated Code of Maryland
- 25 (2012 Replacement Volume and 2015 Supplement)
- 26 BY adding to
- 27 Article Criminal Law

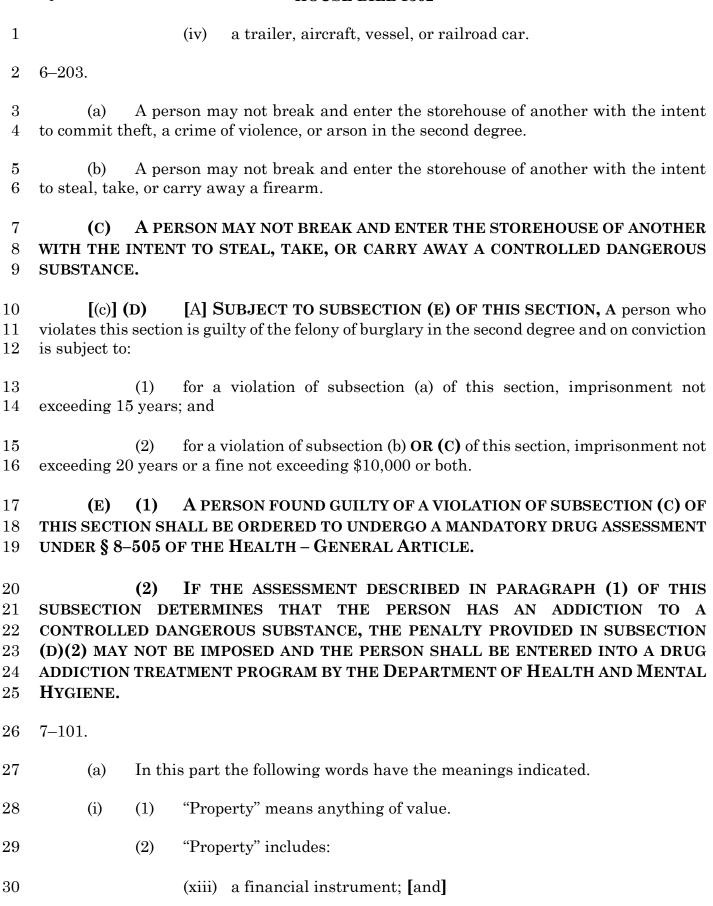
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2 3	Section 3–401(d)(2)(xv), 6–201(d), and 7–101(i)(2)(xv) Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement)			
$\frac{4}{5}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
6			Article - Criminal Law	
7	3–401.			
8	(a)	In th	is subtitle the following words have the meanings indicated.	
9	(d)	(1)	"Property" means anything of value.	
10		(2)	"Property" includes:	
11			(xiii) a financial instrument; [and]	
12 13	software or	progra	(xiv) information, electronically produced data, and a computer am in a form readable by machine or individual; AND	
14 15 16	LISTED AS A CONTROLLED DANGEROUS SUBSTANCE IN SCHEDULE II THROUGH			
17	(e)	"Rob	pery" retains its judicially determined meaning except that:	
18 19	force; and	(1)	robbery includes obtaining the service of another by force or threat of	
20		(2)	robbery requires proof of intent to withhold property of another:	
21			(i) permanently;	
22 23	property's v	alue;	(ii) for a period that results in the appropriation of a part of the	
24 25	other compe	ensatio	(iii) with the purpose to restore it only on payment of a reward or on; or	
26 27	manner tha	t mak	(iv) to dispose of the property or use or deal with the property in a es it unlikely that the owner will recover it.	
28	3-402.			





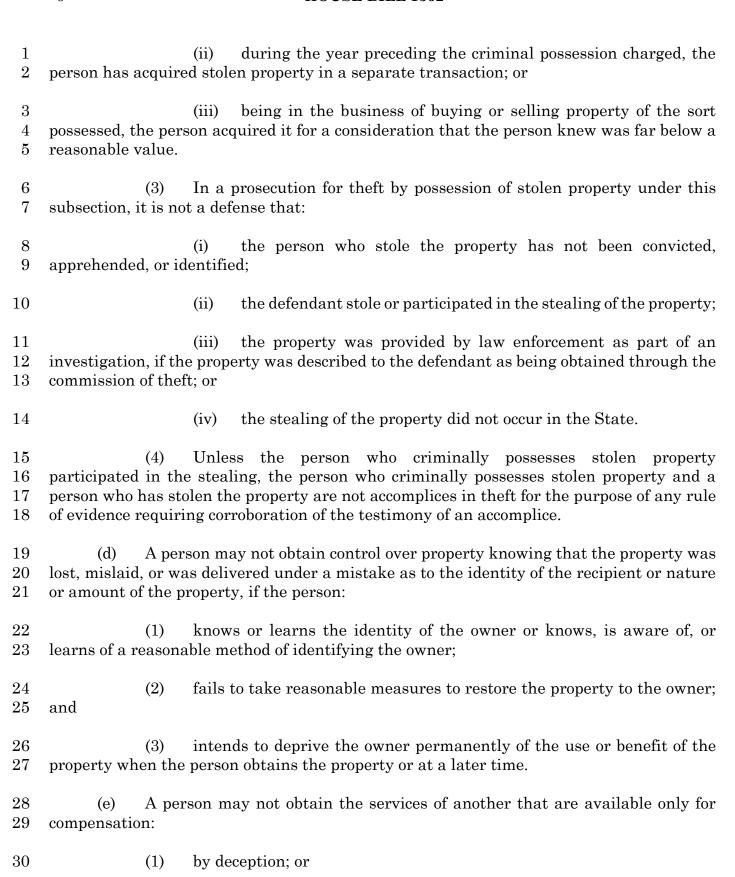
- 1 (xiv) information, electronically produced data, and a computer 2 software or program in a form readable by machine or individual; AND 3 (XV) A DRUG, A SUBSTANCE, OR AN IMMEDIATE PRECURSOR 4 LISTED AS A CONTROLLED DANGEROUS SUBSTANCE IN SCHEDULE II THROUGH SCHEDULE V OF TITLE 5. SUBTITLE 4 OF THIS ARTICLE. 5 6 7-104.7 A person may not willfully or knowingly obtain or exert unauthorized control 8 over property, if the person: 9 (1) intends to deprive the owner of the property; 10 willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or 11 12 uses, conceals, or abandons the property knowing the use, concealment, (3)or abandonment probably will deprive the owner of the property. 13 14 A person may not obtain control over property by willfully or knowingly using (b) deception, if the person: 15 16 intends to deprive the owner of the property; (1) 17 willfully or knowingly uses, conceals, or abandons the property in a 18 manner that deprives the owner of the property; or uses, conceals, or abandons the property knowing the use, concealment, 19 (3)20 or abandonment probably will deprive the owner of the property. 21 (c) A person may not possess stolen personal property knowing that it has 22been stolen, or believing that it probably has been stolen, if the person: 23 (i) intends to deprive the owner of the property; 24(ii) willfully or knowingly uses, conceals, or abandons the property 25 in a manner that deprives the owner of the property; or 26 uses, conceals, or abandons the property knowing that the use, (iii) 27 concealment, or abandonment probably will deprive the owner of the property.
- 30 (i) the person possesses or exerts control over property stolen from 31 more than one person on separate occasions;

knowledge required under this subsection may be inferred if:

In the case of a person in the business of buying or selling goods, the

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

Under this section, an offender's intention or knowledge that a promise would 1 (f) 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: at least \$1,000 but less than \$10,000 is guilty of a felony and: 5 (i) 6 is subject to imprisonment not exceeding 10 years or a fine 7 not exceeding \$10,000 or both; and 8 2. shall restore the property taken to the owner or pay the 9 owner the value of the property or services; 10 (ii) at least \$10,000 but less than \$100,000 is guilty of a felony and: 11 is subject to imprisonment not exceeding 15 years or a fine 1. 12 not exceeding \$15,000 or both; and 13 shall restore the property taken to the owner or pay the 2. owner the value of the property or services; or 14 15 (iii) \$100,000 or more is guilty of a felony and: 16 is subject to imprisonment not exceeding 25 years or a fine 17 not exceeding \$25,000 or both; and 18 shall restore the property taken to the owner or pay the 19 owner the value of the property or services. 20 Except as provided in paragraphs (3) and (4) of this subsection, a person 21convicted of theft of property or services with a value of less than \$1,000, is guilty of a misdemeanor and: 2223 (i) is subject to imprisonment not exceeding 18 months or a fine not 24exceeding \$500 or both; and 25 shall restore the property taken to the owner or pay the owner (ii) 26 the value of the property or services. 27A person convicted of theft of property or services with a value of less 28 than \$100 is guilty of a misdemeanor and:

is subject to imprisonment not exceeding 90 days or a fine not

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exceeding \$500 or both; and

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1 (ii) shall restore the property taken to the owner or pay the owner 2 the value of the property or services. 3 **(4)** Subject to paragraph (5) of this subsection, a person who has two or 4 more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than \$1,000 under paragraph (2) of this subsection is guilty of 5 a misdemeanor and: 6 7 is subject to imprisonment not exceeding 5 years or a fine not (i) 8 exceeding \$5,000 or both; and 9 (ii) shall restore the property taken to the owner or pay the owner 10 the value of the property or services. 11 (5)The court may not impose the penalties under paragraph (4) of this 12 subsection unless the State's Attorney serves notice on the defendant or the defendant's 13 counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before 14 trial that: 15 the State will seek the penalties under paragraph (4) of this (i) 16 subsection; and lists the alleged prior convictions. 17 (ii) 18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 19 October 1, 2016.