

BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 7-104(g)

Annotated Code of Maryland

(As enacted by Chapter 26 (H.B. 11) of the Acts of the General Assembly of 2002)

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

Article - Criminal Law

7-104.

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

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

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

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

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

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

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON WHO HAS TWO OR MORE PRIOR CONVICTIONS UNDER THIS SUBTITLE AND WHO IS CONVICTED OF A THIRD OR SUBSEQUENT CRIME OF THEFT OF PROPERTY OR SERVICES WITH A VALUE OF LESS THAN \$500 IS GUILTY OF A MISDEMEANOR AND:

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

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

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

(I) ~~STATES THAT~~ THE STATE WILL SEEK THE PENALTIES UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND

(II) LISTS THE ALLEGED PRIOR CONVICTIONS ~~OF THE DEFENDANT.~~