

18-316.

(a) Except as provided in this section for an action under § 18-313 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:

(1) Appeal that decision to the Board of Review; and

(2) Then take any further appeal allowed by the Administrative Procedure Act.

(b) (1) Any person aggrieved by a final decision of the Board under § 18-313 of this subtitle may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.

(c) A decision of the Board to deny A LICENSE, ~~ACTUALLY suspend~~ ENFORCE A SUSPENSION OF A LICENSE FOR MORE THAN 1 YEAR, or revoke a license may not be stayed pending judicial review.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

May 16, 2002

The Honorable Casper R. Taylor, Jr.
Speaker of the House
State House
Annapolis MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 691 – Crimes – Misdemeanor Theft – Subsequent Offenders – Penalty.

This bill increases the penalties for misdemeanor theft for persons with two or more prior theft convictions. For a person who is convicted of theft of property or services with a value of less than \$500, the penalty is increased from a maximum term of 18 months in prison or a fine of up to \$500 or both, to a maximum term of 5 years in prison or a fine of up to \$5,000 or both. The convicted person must also restore or pay for the value of the property or services. The bill also provides that a court may not impose these penalties 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: (1) the State will seek the penalties under these provisions; and (2) lists the alleged prior convictions.

Senate Bill 436, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 691.