

(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) THE STATE WILL SEEK THE PENALTIES UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND

(II) LISTS THE ALLEGED PRIOR CONVICTIONS.

(h) An action or prosecution for theft of property or services with a value of less than \$500 shall be commenced within 2 years after the commission of the crime.

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 705 – Optional Retirement Program – Supplemental Annuities.

This bill permits a public institution of higher education to establish supplemental retirement plans that provide supplemental retirement accounts offered by a designated company in accordance with Section 401(a), Section 403(b) or Section 457