

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 340(b), except as it related to establishing the deceiver's intention to not perform a promise.

In paragraph (1)(vi) of this subsection, the former reference to acts that "otherwise disfigure" a label or price tag is deleted as redundant in light of the reference "alter[ing]".

In paragraph (1)(viii) of this subsection, the reference to "disconnecting" a motor vehicle's odometer with the intent to change the number of miles indicated is added for consistency with § 22-415(2) of the Transportation Article, which prohibits tampering or interfering with, or disconnecting, resetting, or altering an odometer with that intent.

In paragraph (2) of this subsection, the reference to an ordinary "individual" is substituted for the former reference to ordinary "persons" for clarity.

(C) DEPRIVE.

"DEPRIVE" MEANS TO WITHHOLD PROPERTY OF ANOTHER:

- (1) PERMANENTLY;
- (2) FOR A PERIOD THAT RESULTS IN THE APPROPRIATION OF A PART OF THE PROPERTY'S VALUE;
- (3) WITH THE PURPOSE TO RESTORE IT ONLY ON PAYMENT OF A REWARD OR OTHER COMPENSATION; OR
- (4) TO DISPOSE OF THE PROPERTY OR USE OR DEAL WITH THE PROPERTY IN A MANNER THAT MAKES IT UNLIKELY THAT THE OWNER WILL RECOVER IT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 340(c).

In item (4) of this subsection, the reference to disposing of property "or" using or dealing with it is substituted for the former reference to disposing of property "and" dealing with it for clarity.

(D) EXERT CONTROL.

(1) "EXERT CONTROL" INCLUDES TO TAKE, CARRY AWAY, APPROPRIATE TO A PERSON'S OWN USE OR SELL, CONVEY, OR TRANSFER TITLE TO AN INTEREST IN OR POSSESSION OF PROPERTY.

(2) "EXERT CONTROL" DOES NOT INCLUDE:

- (I) TO TRESPASS ON THE LAND OF ANOTHER; OR
- (II) TO OCCUPY THE LAND OF ANOTHER WITHOUT AUTHORIZATION.