

(2) SHALL RESTORE THE PROPERTY TAKEN AND CARRIED AWAY IN VIOLATION OF THIS SECTION OR, IF UNABLE TO RESTORE THE PROPERTY, SHALL PAY TO THE OWNER THE FULL VALUE OF THE PROPERTY.

(C) PROHIBITED DEFENSE.

IT IS NOT A DEFENSE TO THIS SECTION THAT THE PERSON INTENDS TO HOLD OR KEEP THE PROPERTY FOR THE PERSON'S PRESENT USE AND NOT WITH THE INTENT OF APPROPRIATING OR CONVERTING THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 349.

Throughout this section, the former phrase "his or their aiders and abettors" is deleted in light of the abrogation of the distinction between principals and accessories before the fact. *See* General Revisor's Note to article and CP § 204.

In subsection (a) of this section, the term "governmental unit" is substituted for the former phrase "body ... politic in the State", for clarity.

Also in subsection (a) of this section, the former reference to a "body corporate" in the State is deleted as included in the defined term "person".

In subsection (a)(1) of this section, the reference to a "vehicle" is substituted for the former reference to any "carriage, wagon, buggy, [or] cart", for clarity and brevity.

Also in subsection (a)(1) of this section, the former phrase "shall enter, or being upon" is deleted as implicit in the reference to "premises".

In subsection (a)(2) of this section, the former reference to a motor vehicle "as defined in the laws of this State relating to such" is deleted as surplusage.

In subsection (a)(3) of this section, the reference to a "vessel" is substituted for the former reference to a "boat, craft, [or] vessel", for clarity and brevity.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a)(4) of this section, the reference to "livestock" is substituted for the former reference to a "horse, mare, colt, gelding, mule, ass, sheep, hog, ox or cow", for clarity and brevity. The substitution may include other, more exotic livestock, such as bison and llamas, which would otherwise fall under the general reference to "any property" in the introductory language to this section. No substantive change is intended.

In subsection (b)(2) of this section, the former phrase "in the discretion of the court" is deleted as implicit in the establishment of minimum and maximum penalties.

Also in subsection (b)(2) of this section, the former phrase "or be