

(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) A PERSON CONVICTED OF THEFT OF PROPERTY OR SERVICES WITH A VALUE OF LESS THAN \$100, IS GUILTY OF A MISDEMEANOR AND:

(I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS 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)](4) Subject to paragraph [(4)] (5) of this subsection, a person who has two or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than \$500 UNDER PARAGRAPH (2) OF THIS SUBSECTION 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)](5) The court may not impose the penalties under paragraph [(3)] (4) 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)] (4) of this subsection; and

(ii) lists the alleged prior convictions.

(i) An action or prosecution for [theft of property or services with a value of less than \$500] A VIOLATION OF PARAGRAPH (2) OR (3) OF THIS SUBSECTION shall be commenced within 2 years after the commission of the crime.

7-108.

(a) An indictment, information, warrant, or other charging document for theft under this part, other than for taking a motor vehicle under § 7-105 of this part, is sufficient if it substantially states:

"(name of defendant) on (date) in (county) stole (property or services stolen) of (name of victim), having a value of (less than \$500, or \$500 or more) in violation of § 7-104 of the Criminal Law Article, against the peace, government, and dignity of the State."