

HOUSE BILL 179

E1, E2
HB 948/24 – JUD

(PRE-FILED)

5lr1006
CF SB 11

By: **Delegates Toles, Grammer, Hartman, Kaufman, and Wu**

Requested: September 30, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Organized Retail Theft Act of 2025**

3 FOR the purpose of providing that multiple thefts committed by the same person in
4 multiple counties under one scheme or continuing course of conduct may be joined
5 and prosecuted in a certain county; prohibiting one or more persons from committing
6 a series of thefts from retail merchants over a certain period with an aggregate value
7 exceeding a certain amount; providing that a conviction under this Act merges with
8 a certain other conviction for sentencing purposes; requiring a court to make a
9 finding as to whether a certain crime is organized retail theft under certain
10 circumstances for a certain purpose; and generally relating to organized retail theft.

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Law
13 Section 7–103(a)
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Law
18 Section 7–103(b) and (f)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2024 Supplement)

21 BY adding to
22 Article – Criminal Law
23 Section 7–104.1
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Criminal Law**

4 7–103.

5 (a) In this section, “value” means:

6 (1) the market value of the property or service at the time and place of the
7 crime; or

8 (2) if the market value cannot satisfactorily be ascertained, the cost of the
9 replacement of the property or service within a reasonable time after the crime.

10 (b) **[The] EXCEPT AS PROVIDED IN § 7–104.1 OF THIS SUBTITLE, THE** value
11 of property or service under this part shall be determined in accordance with this section.

12 (f) **(1)** When theft is committed in violation of this part under one scheme or
13 continuing course of conduct, whether from the same or several sources:

14 **[(1)] (I)** the conduct may be considered as one crime; and

15 **[(2)] (II)** the value of the property or services may be aggregated in
16 determining whether the theft is a felony or a misdemeanor.

17 **(2) MULTIPLE THEFTS COMMITTED BY THE SAME PERSON IN**
18 **MULTIPLE COUNTIES UNDER ONE SCHEME OR CONTINUING COURSE OF CONDUCT**
19 **MAY BE JOINED AND PROSECUTED IN ANY COUNTY IN WHICH ANY ONE OF THE**
20 **THEFTS OCCURRED.**

21 **7–104.1.**

22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

24 **(2) “ORGANIZED RETAIL THEFT” MEANS THE COMMISSION, EITHER**
25 **ALONE OR IN CONCERT WITH ONE OR MORE OTHER PERSONS, OF A SERIES OF**
26 **THEFTS OF RETAIL MERCHANDISE FROM ONE OR MORE RETAIL MERCHANTS OVER**
27 **A 90–DAY PERIOD WITH THE INTENT TO:**

28 **(I) PERMANENTLY DEPRIVE THE MERCHANT OF THE**
29 **MERCHANDISE;**

1 (II) RETURN THE MERCHANDISE TO THE MERCHANT FOR
2 MONETARY OR OTHER GAIN; OR

3 (III) RESELL, TRADE, OR BARTER THE MERCHANDISE FOR
4 MONETARY OR OTHER GAIN.

5 (3) (I) "VALUE" HAS THE MEANING STATED IN § 7-103 OF THIS
6 SUBTITLE.

7 (II) "VALUE" INCLUDES THE MARKET VALUE OF ANY PROPERTY
8 DAMAGED IN FURTHERANCE OF THE CRIME AND ANY COSTS TO REPAIR, REPLACE,
9 OR RESTOCK ANY DAMAGED OR STOLEN PROPERTY.

10 (B) A PERSON MAY NOT COMMIT ORGANIZED RETAIL THEFT OF PROPERTY
11 WITH AN AGGREGATE VALUE EXCEEDING \$1,500.

12 (C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION WITH A
13 VALUE OF:

14 (1) AT LEAST \$1,500 BUT LESS THAN \$25,000 IS GUILTY OF A FELONY
15 AND:

16 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR
17 A FINE NOT EXCEEDING \$10,000 OR BOTH; AND

18 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR
19 PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES;

20 (2) AT LEAST \$25,000 BUT LESS THAN \$100,000 IS GUILTY OF A
21 FELONY AND:

22 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS
23 OR A FINE NOT EXCEEDING \$15,000 OR BOTH; AND

24 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR
25 PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES; OR

26 (3) \$100,000 OR MORE IS GUILTY OF A FELONY AND:

27 (I) IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS
28 OR A FINE NOT EXCEEDING \$25,000 OR BOTH; AND

29 (II) SHALL RESTORE THE PROPERTY TAKEN TO THE OWNER OR
30 PAY THE OWNER THE VALUE OF THE PROPERTY OR SERVICES.

1 **(D) (1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR THEFT**
2 **UNDER § 7-104 OF THIS SUBTITLE.**

3 **(2) IF A PERSON IS CONVICTED UNDER § 7-104 OF THIS SUBTITLE**
4 **AND THIS SECTION FOR THE SAME ACTS OR TRANSACTIONS, THE CONVICTION**
5 **UNDER THIS SECTION SHALL MERGE FOR SENTENCING PURPOSES INTO THE**
6 **CONVICTION UNDER § 7-104 OF THIS SUBTITLE.**

7 **(E) (1) (I) IF A DEFENDANT IS CONVICTED OF OR RECEIVES A**
8 **PROBATION BEFORE JUDGMENT DISPOSITION FOR THEFT UNDER § 7-104 OF THIS**
9 **SUBTITLE, BURGLARY UNDER § 6-203 OR § 6-205 OF THIS ARTICLE, ROBBERY**
10 **UNDER § 3-402 OR § 3-403 OF THIS ARTICLE, OR USE OF A FIREARM IN THE**
11 **COMMISSION OF A CRIME OF VIOLENCE OR A FELONY UNDER § 4-204 OF THIS**
12 **ARTICLE, ON REQUEST OF THE STATE'S ATTORNEY THE COURT SHALL MAKE A**
13 **FINDING OF FACT BASED ON EVIDENCE PRODUCED AT TRIAL AS TO WHETHER THE**
14 **CRIME IS ORGANIZED RETAIL THEFT.**

15 **(II) THE STATE HAS THE BURDEN OF PROVING BY A**
16 **PREPONDERANCE OF THE EVIDENCE THAT THE CRIME IS ORGANIZED RETAIL**
17 **THEFT.**

18 **(2) IF THE COURT FINDS THAT THE CRIME IS ORGANIZED RETAIL**
19 **THEFT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THAT FINDING SHALL BECOME**
20 **PART OF THE COURT RECORD FOR PURPOSES OF REPORTING TO THE CRIMINAL**
21 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY UNDER § 10-215 OF THE**
22 **CRIMINAL PROCEDURE ARTICLE.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
24 **October 1, 2025.**