

SENATE BILL 100

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4lr1135

(PRE-FILED)

By: **Senators Watson, Carozza, and West**

Requested: October 24, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Organized Retail Theft**

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; and generally relating to
9 organized retail theft.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 7–103(a)
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 7–103(b) and (f)
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2023 Supplement)

20 BY adding to
21 Article – Criminal Law
22 Section 7–104.1
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2023 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Law**

2 7–103.

3 (a) In this section, “value” means:

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

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

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

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

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

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

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

19 **7–104.1.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

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

26 **(I) PERMANENTLY DEPRIVE THE MERCHANT OF THE**
27 **MERCHANDISE;**

28 **(II) RETURN THE MERCHANDISE TO THE MERCHANT FOR**
29 **MONETARY OR OTHER GAIN; OR**

1 (III) RESELL, TRADE, OR BARTER THE MERCHANDISE FOR
2 MONETARY OR OTHER GAIN.

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

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

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

10 (C) A PERSON WHO VIOLATES THIS SECTION:

11 (1) IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO
12 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
13 BOTH; AND

14 (2) SHALL:

15 (I) RESTORE THE PROPERTY TO THE OWNER; OR

16 (II) IF UNABLE TO RESTORE THE PROPERTY TO THE OWNER,
17 PAY TO THE OWNER THE FULL VALUE OF THE PROPERTY.

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

20 (2) IF A PERSON IS CONVICTED UNDER § 7-104 OF THIS SUBTITLE
21 AND THIS SECTION FOR THE SAME ACTS OR TRANSACTIONS, THE CONVICTION
22 UNDER THIS SECTION SHALL MERGE FOR SENTENCING PURPOSES INTO THE
23 CONVICTION UNDER § 7-104 OF THIS SUBTITLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2024.