

HB0425/723121/1

BY: Delegate Buckel

AMENDMENTS TO HOUSE BILL 425

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Firearms**” insert “**and Theft of Firearms**”; in line 3, after the first “of” insert “classifying the theft of a firearm as a felony; establishing certain penalties for theft of a firearm;”; and after line 10, insert:

“BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 7–104(g) and (i)

Annotated Code of Maryland

(2021 Replacement Volume and 2021 Supplement)

BY adding to

Article – Criminal Law

Section 7–104(k)

Annotated Code of Maryland

(2021 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“Article – Criminal Law

7–104.

(g) (1) **THIS SUBSECTION DOES NOT APPLY TO THEFT OF A FIREARM.**

(2) A person convicted of theft of property or services with a value of:

(i) at least \$1,500 but less than \$25,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services;

(ii) at least \$25,000 but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding 10 years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services; or

(iii) \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding 20 years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services.

[(2)] (3) Except as provided in paragraph [(3)] (4) of this subsection, a person convicted of theft of property or services with a value of at least \$100 but less than \$1,500, is guilty of a misdemeanor and:

(i) is subject to:

1. for a first conviction, imprisonment not exceeding 6 months or a fine not exceeding \$500 or both; and

2. for a second or subsequent conviction, imprisonment not exceeding 1 year 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) 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.

[(4)] (5) Subject to paragraph [(5)] (6) of this subsection, a person who has four or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than \$1,500 under paragraph [(2)] (3) 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.

[(5)] (6) The court may not impose the penalties under paragraph [(4)] (5) 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 [(4)] (5) of this subsection; and

(ii) lists the alleged prior convictions.

(i) An action or prosecution for a violation of subsection [(g)(2) or (3)] (G)(3) OR (4) of this section shall be commenced within 2 years after the commission of the crime.

(K) (1) A PERSON CONVICTED OF THEFT OF A FIREARM, INCLUDING AN ANTIQUE FIREARM OR A REPLICA OF AN ANTIQUE FIREARM, IS GUILTY OF A FELONY AND IS SUBJECT TO:

(I) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

(II) FOR A SECOND OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$2,500 OR BOTH.

(2) A SENTENCE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY OTHER OFFENSE."