

HOUSE BILL 927

E1

7lr2294

By: **Delegates Morales, Pena-Melnyk, Anderson, Conaway, Haynes, Lewis, McCray, Moon, Mosby, and Queen**

Introduced and read first time: February 6, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Trespass, Petty Theft, and Disturbing the Peace – Alteration of**
3 **Penalties**

4 FOR the purpose of altering the penalty for certain trespass offenses, a certain theft offense,
5 a certain newspaper theft offense, a certain disturbing the peace offense, and a
6 certain bad check offense; and generally relating to trespass, theft, and disturbing
7 the peace.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 6–402, 6–403, 7–104(g)(3), 7–106, 8–106(d), and 10–201
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2016 Supplement)

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

15 **Article – Criminal Law**

16 6–402.

17 (a) A person may not enter or trespass on property that is posted conspicuously
18 against trespass by:

19 (1) signs placed where they reasonably may be seen; or

20 (2) paint marks that:

21 (i) conform with regulations that the Department of Natural
22 Resources adopts under § 5–209 of the Natural Resources Article; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(ii) are made on trees or posts that are located:

1. at each road entrance to the property; and

2. adjacent to public roadways, public waterways, and other land adjoining the property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500;

[(1)] (2) for a **[first] SECOND** violation, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both;

[(2)] (3) for a **[second] THIRD** violation occurring within 2 years after the **[first] SECOND** violation, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and

[(3)] (4) for each subsequent violation occurring within 2 years after the preceding violation, imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or both.

6–403.

(a) A person may not enter or cross over private property or board the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim of right or ownership.

(b) A person may not remain on private property including the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500;

[(1)] (2) for a **[first] SECOND** violation, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both;

[(2)] (3) for a **[second] THIRD** violation occurring within 2 years after the **[first] SECOND** violation, imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both; and

1 ~~[(3)] (4)~~ for each subsequent violation occurring within 2 years after the
2 preceding violation, imprisonment not exceeding 1 year or a fine not exceeding \$2,500 or
3 both.

4 (d) This section prohibits only wanton entry on private property.

5 (e) This section also applies to property that is used as a housing project and
6 operated by a housing authority or State public body, as those terms are defined in Division
7 II of the Housing and Community Development Article, if an authorized agent of the
8 housing authority or State public body gives the required notice specified in subsection (a)
9 or (b) of this section.

10 7-104.

11 (g) (3) A person convicted of theft of property or services with a value of less
12 than \$100 is guilty of a misdemeanor and:

13 (i) **1. FOR A FIRST VIOLATION, IS SUBJECT TO A FINE NOT**
14 **EXCEEDING \$500; AND**

15 **2. FOR EACH SUBSEQUENT VIOLATION,** is subject to
16 imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

17 (ii) shall restore the property taken to the owner or pay the owner
18 the value of the property or services.

19 7-106.

20 (a) In this section, “newspaper” means a periodical that is distributed on a
21 complimentary or compensatory basis.

22 (b) A person may not knowingly or willfully obtain or exert control that is
23 unauthorized over newspapers with the intent to prevent another from reading the
24 newspapers.

25 (c) A person who violates this section is guilty of a misdemeanor and on conviction
26 is subject to:

27 **(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500; AND**

28 **(2) FOR EACH SUBSEQUENT VIOLATION,** imprisonment not exceeding 60
29 days or a fine not exceeding \$500 or both.

30 8-106.

(d) (1) A person who obtains property or services with a value of less than \$100 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(I) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500; AND

(II) FOR EACH SUBSEQUENT VIOLATION, imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

(2) It is not a defense to the crime of obtaining property or services with a value of less than \$100 by issuing or passing a check in violation of § 8–103 of this subtitle that the value of the property or services at issue is \$100 or more.

10–201.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Public conveyance” means a conveyance to which the public or a portion of the public has access to and a right to use for transportation.

(ii) “Public conveyance” includes an airplane, vessel, bus, railway car, school vehicle, and subway car.

(3) (i) “Public place” means a place to which the public or a portion of the public has access and a right to resort for business, dwelling, entertainment, or other lawful purpose.

(ii) “Public place” includes:

1. a restaurant, shop, shopping center, store, tavern, or other place of business;
2. a public building;
3. a public parking lot;
4. a public street, sidewalk, or right-of-way;
5. a public park or other public grounds;
6. the common areas of a building containing four or more separate dwelling units, including a corridor, elevator, lobby, and stairwell;
7. a hotel or motel;
8. a place used for public resort or amusement, including an amusement park, golf course, race track, sports arena, swimming pool, and theater;

1 9. an institution of elementary, secondary, or higher
2 education;

3 10. a place of public worship;

4 11. a place or building used for entering or exiting a public
5 conveyance, including an airport terminal, bus station, dock, railway station, subway
6 station, and wharf; and

7 12. the parking areas, sidewalks, and other grounds and
8 structures that are part of a public place.

9 (b) For purposes of a prosecution under this section, a public conveyance or a
10 public place need not be devoted solely to public use.

11 (c) (1) A person may not willfully and without lawful purpose obstruct or
12 hinder the free passage of another in a public place or on a public conveyance.

13 (2) A person may not willfully act in a disorderly manner that disturbs the
14 public peace.

15 (3) A person may not willfully fail to obey a reasonable and lawful order
16 that a law enforcement officer makes to prevent a disturbance to the public peace.

17 (4) A person who enters the land or premises of another, whether an owner
18 or lessee, or a beach adjacent to residential riparian property, may not willfully:

19 (i) disturb the peace of persons on the land, premises, or beach by
20 making an unreasonably loud noise; or

21 (ii) act in a disorderly manner.

22 (5) A person from any location may not, by making an unreasonably loud
23 noise, willfully disturb the peace of another:

24 (i) on the other's land or premises;

25 (ii) in a public place; or

26 (iii) on a public conveyance.

27 (6) In Worcester County, a person may not build a bonfire or allow a bonfire
28 to burn on a beach or other property between 1 a.m. and 5 a.m.

29 (d) **(1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
30 **SUBSECTION, A person who violates this section is guilty of a misdemeanor and on**

1 conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$500 or
2 both.

3 **(2) A PERSON WHO VIOLATES SUBSECTION (C)(2) OF THIS SECTION IS**
4 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

5 **(I) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500; AND**

6 **(II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT**
7 **EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2017.