

# SENATE BILL 399

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CF HB 478

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By: **Senator Feldman**

Introduced and read first time: January 27, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Civil Causes of Action – Theft**

3 FOR the purpose of establishing a civil cause of action for damages from theft; establishing  
4 that a person may recover certain costs under a certain cause of action; requiring a  
5 person claiming injury to make a certain written demand prior to filing a certain  
6 action, subject to an exception; requiring a certain person to give a person who  
7 complies with a written demand a certain written release from civil liability;  
8 authorizing a court to award punitive damages for a certain cause of action; and  
9 generally relating to a civil cause of action for theft.

10 BY adding to

11 Article – Courts and Judicial Proceedings  
12 Section 3–2201 through 3–2203 to be under the new subtitle “Subtitle 22. Civil Theft”  
13 Annotated Code of Maryland  
14 (2013 Replacement Volume and 2019 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **SUBTITLE 22. CIVIL THEFT.**

19 **3–2201.**

20 **A PERSON WHO PROVES BY CLEAR AND CONVINCING EVIDENCE THAT THE**  
21 **PERSON HAS BEEN INJURED DUE TO A VIOLATION OF § 7–104 OF THE CRIMINAL LAW**  
22 **ARTICLE:**

23 **(1) HAS A CAUSE OF ACTION FOR THE ACTUAL DAMAGES SUSTAINED;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 AND

2 (2) MAY RECOVER THE REASONABLE COSTS OF INVESTIGATION AND  
3 LITIGATION, INCLUDING ATTORNEY'S FEES.

4 3-2202.

5 (A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEFORE FILING  
6 AN ACTION FOR DAMAGES UNDER THIS SUBTITLE, THE PERSON CLAIMING INJURY  
7 SHALL MAKE A WRITTEN DEMAND FOR THE ACTUAL DAMAGES OF THE PERSON  
8 LIABLE FOR DAMAGES UNDER THIS SUBTITLE.

9 (2) IF THE PERSON TO WHOM A WRITTEN DEMAND IS MADE COMPLIES  
10 WITH THE DEMAND WITHIN 30 DAYS AFTER RECEIPT OF THE DEMAND, THE PERSON  
11 SHALL BE GIVEN A WRITTEN RELEASE FROM FURTHER CIVIL LIABILITY FOR THE  
12 SPECIFIC ACT OF VIOLATION OF § 7-104 OF THE CRIMINAL LAW ARTICLE BY THE  
13 PERSON MAKING THE WRITTEN DEMAND.

14 (B) A PERSON CLAIMING INJURY UNDER THIS SUBTITLE MAY FILE A  
15 REQUEST FOR A WAIVER OF THE WRITTEN DEMAND REQUIREMENT IF THE PERSON  
16 IS UNAWARE OF THE EXTENT OF THE ACTUAL DAMAGES AT THE TIME THE PERSON  
17 FILES AN ACTION FOR DAMAGES.

18 3-2203.

19 A COURT MAY AWARD PUNITIVE DAMAGES UNDER THIS SUBTITLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2020.