

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 907
Judiciary

(Delegate Malone)

Criminal Law - Malicious Destruction of Property - Definition of Property of
Another

This bill establishes that with respect to the crime of malicious destruction of property, “property of another” means property in which a person other than the defendant has an interest that the defendant does not have the authority to defeat or impair, even if the defendant has an interest in the property.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from the expanded application of existing monetary penalties in District Court cases. Potential minimal increase in general fund expenditures from the expanded application of existing incarceration penalties.

Local Effect: Potential minimal increase in revenues from the expanded application of existing monetary penalties in circuit court cases. Potential minimal increase in expenditures from the expanded application of existing incarceration penalties.

Small Business Effect: None.

Analysis

Current Law: A person may not willfully and maliciously destroy, injure, or deface the real or personal property of another. “Property of another” is not defined under the malicious destruction of property statute. A violator causing damage of at least \$1,000 to the property is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$2,500. A violator causing damage of less than \$1,000 to

the property is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 60 days and/or a fine of \$500.

In addition to the penalties cited above, the court must order a person convicted of causing malicious destruction by an act of graffiti to pay restitution and/or perform community service.

The value of damage is based on the evidence and that value must be applied for the purpose of imposing penalties. If it cannot be determined from the evidence whether the value of the damage to the property is more or less than \$1,000, the value is deemed to be less than \$1,000. To determine a penalty, the court may consider the aggregate value of damage to each property resulting from one scheme or continuing course of conduct as one crime. If separate acts resulting in damage to the properties of one or more owners are set forth by separate counts in one or more charging documents, the separate counts may not be merged for sentencing.

The bill's definition of "property of another" is substantially similar to the definition of that term used in the general theft statute. While "property of another" is not a term that is mentioned frequently under the general theft statute, it is a component of the statute's definition of "deprive," which is repeatedly mentioned.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; cities of Bowie and Takoma Park; Department of Legislative Services

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mm/kdm

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510