

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 109
Judiciary

(Delegate Conaway)

Criminal Law - Misdemeanor Theft - Statute of Limitations

This bill extends the statute of limitations for theft of property or services with a value of at least \$100 but less than \$1,500 from two years to three years.

Fiscal Summary

State Effect: General fund revenues and expenditures may increase minimally beginning in FY 2028 if the bill’s extension of the statute of limitations increases the number of fines imposed in the District Court and incarcerations in State facilities for offenses committed in Baltimore City, as discussed below. The bill is not expected to materially affect the finances or operations of the Judiciary or the Office of the Public Defender (OPD).

Local Effect: Local revenues and expenditures may increase minimally beginning in FY 2028 from fines imposed in the circuit courts and incarcerations in local correctional facilities, as discussed below.

Small Business Effect: Minimal.

Analysis

Current Law: Unless otherwise specified, misdemeanors are subject to a one-year statute of limitations. As noted below, theft of property or services with the value of at least \$100 but less than \$1,500 is subject to a two-year statute of limitations.

Under the general theft statute, a person may not, under specified circumstances, (1) willfully or knowingly obtain or exert unauthorized control over property; (2) obtain control over property by willfully or knowingly using deception; (3) possess stolen

property knowing that it has been stolen or believing that it probably has been stolen; (4) obtain control over property knowing that the property was lost, mislaid, or delivered under a mistake as to the identity of the recipient or nature or amount of the property; or (5) obtain the services of another that are available only by compensation by deception or with knowledge that the services are provided without the provider’s consent. A violator is required to restore the owner’s property or pay the owner the value of the property or services and is subject to the penalties in **Exhibit 1**.

**Exhibit 1
Penalties for Theft**

<u>Value of Property and/or Services</u>	<u>Maximum Penalty</u>
Less than \$100*	Misdemeanor – 90 days imprisonment and/or \$500 fine
At least \$100 but less than \$1,500*	Misdemeanor – 6 months imprisonment and/or \$500 fine (first conviction) or 1 year imprisonment and/or \$500 fine (second or subsequent conviction)
Less than \$1,500 (four or more prior theft convictions)**	Misdemeanor – 5 years imprisonment and/or \$5,000 fine
At least \$1,500 but less than \$25,000	Felony – 5 years imprisonment and/or \$10,000 fine
At least \$25,000 but less than \$100,000	Felony – 10 years imprisonment and/or \$15,000 fine
\$100,000 or more	Felony – 20 years imprisonment and/or \$25,000 fine

* Subject to two-year statute of limitations.
 ** Subject to specified notice requirements.

Source: Department of Legislative Services

State Fiscal Effect: General fund revenues may increase minimally beginning in fiscal 2028 from fines imposed in District Court cases brought under the extended statute of limitations (cases brought more than two years but within three years after the commission of the crime). General fund expenditures for the Department of Public Safety and Correctional Services (DPSCS) may increase minimally beginning in fiscal 2028 for

incarcerations in Baltimore City, as discussed below. The bill is not anticipated to materially affect the finances or operations of the Judiciary or OPD.

Relevant Offense Data

The Judiciary reports the following data for theft (at least \$100 but less than \$1,500):

- Fiscal 2023 District Court: 12,787 violations (charges) and 1,235 convictions;
- Fiscal 2023 (circuit courts): 3,094 violations (charges) and 503 convictions;
- Fiscal 2024 (District Court): 14,532 violations (charges) and 1,492 convictions; and
- Fiscal 2024 (circuit courts): 2,988 violations (charges) and 503 convictions.

According to DPSCS, during fiscal 2024, 1,268 individuals were referred to the Division of Parole and Probation for theft of goods or services with a value of at least \$100 but less than \$1,500.

Department of Public Safety and Correctional Services

General fund expenditures for DPSCS may increase minimally beginning in fiscal 2028 if cases brought under the bill's one-year extension of the statute of limitations for theft (at least \$100 but less than \$1,500) result in more people being committed to State correctional facilities for convictions in Baltimore City. The number of people convicted under the bill's provisions is expected to be minimal.

Theft (at least \$100 but less than \$1,500) is punishable by imprisonment for up to six months (first conviction) or imprisonment for up to one year (second or subsequent conviction). Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility.

Office of the Public Defender

OPD advises that while the bill may result in new cases, it is unable to quantify corresponding additional costs without data on the number of potential theft charges that were not brought due to the current statute of limitations. The Department of Legislative Services advises that it is unlikely that the bill alone will necessitate additional OPD staff (beginning in fiscal 2028). Should actual experience under the bill indicate otherwise, OPD can request additional resources through the annual budget process.

Local Revenues: Revenues may increase minimally beginning in fiscal 2028 from fines imposed in circuit court cases that are allowed to proceed because of the bill's extension of the statute of limitations for theft (at least \$100 but less than \$1,500).

Local Expenditures: Expenditures may increase minimally beginning in fiscal 2028 to the extent that the bill increases the number of individuals incarcerated in local correctional facilities. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. *Per diem* operating costs of local detention facilities have ranged from approximately \$140 to \$350 per incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Legislative Services

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