

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 11

(The Speaker)

(Department of Legislative Services – Code Revision)

Judiciary

Judicial Proceedings

Criminal Law

This Code Revision bill revises, restates, and recodifies the laws of the State relating to criminal law. The new article is a nonsubstantive revision of statutes that relate to substantive crimes in the State of Maryland. It derives primarily from Article 27 — Crimes and Punishments, and includes related provisions from the Agriculture, Commercial Law, and Family Law Articles, and others.

Section 3 of this bill (relating to tip jars and the Washington County Gaming Fund) is effective July 1, 2003.

Fiscal Summary

State Effect: None. This bill recodifies specified existing laws without substantive change. While some existing regulations relating to various State agencies may need to be revised to conform to the bill's nonsubstantive changes, it is anticipated that this activity could be absorbed within each agency's existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Criminal Law Article consists of 14 titles as follows:

Title 1. General Provisions.

Title 1 contains provisions that apply to the entire proposed article. It includes definitions and provisions on inchoate crimes and the crime of accessory after the fact. Title 1 also includes pleading and proof requirements for certain crimes relating to theft, fraud, and property that are revised in several titles of the proposed article.

Title 2. Homicide.

Title 2 contains the crimes, penalties, and procedures relating to murder, manslaughter, and other forms of homicide.

Title 3. Other Crimes Against the Person.

Title 3 contains crimes, other than homicide, that primarily involve injury to a person rather than property.

Title 4. Weapon Crimes.

Title 4 covers prohibited acts involving weapons and firearms. It includes concealed weapons, as well as crimes involving handguns, assault pistols, machine guns, and destructive devices. Regulation of firearms, however, remains in Article 27 pending later revision in the Public Safety Article.

Title 5. Controlled Dangerous Substances, Prescriptions, and Other Substances.

Title 5 recodifies the regulation of and prohibitions relating to controlled dangerous substances, prescription drugs, and similar materials. It includes the schedules of controlled dangerous substances, registration of authorized providers, and crimes involving controlled dangerous substances and other drugs.

Title 6. Crimes Against Property.

Title 6 revises the primary crimes against property: arson, burglary, malicious destruction, trespass, and related crimes. It does not include theft or fraud, which are revised in Title 7 and Title 8, respectively.

Title 7. Theft and Related Crimes.

Title 7 revises property crimes involving theft. It includes embezzlement and defalcation, unlawful use of goods, and telecommunication crimes.

Title 8. Fraud and Related Crimes.

Title 8 recodifies fraud and similar crimes against property. It includes financial crimes, identity theft, public and private fraud, and counterfeiting.

Title 9. Crimes Against Public Administration.

Title 9 revises crimes that interfere with public administration or undermine public processes or government.

Title 10. Crimes Against Public Health, Conduct, and Sensibilities.

Title 10 contains crimes against public health and peace. It includes hate crimes, crimes against human remains, crimes against marriage, crimes relating to animals, and crimes using certain flags and symbols.

Title 11. Indecency and Obscenity.

Title 11 revises prohibitions relating to indecency and obscenity, primarily crimes involving exhibition or commerce, as distinguished from the sexual crimes revised in Title 3, Subtitle 3.

Title 12. Gaming — Statewide Provisions.

Title 12 revises prohibited acts relating to betting, wagering, gambling, and lotteries that apply throughout the State. It also includes slot machine regulation. Other county-specific provisions on bingo, carnivals, and raffles are revised individually in Title 13.

Title 13. Same — Local Provisions.

Title 13 contains regulatory and criminal provisions relating to local gaming activities. It contains both widely applicable gaming provisions, and county-specific provisions revised in separate subtitles.

Title 14. General Sentencing Provisions.

In the area of common sentencing provisions, Title 14 revises the enhanced sentencing for crimes of violence derived from former Article 27, § 643B, as well as the authority of a court to impose a lesser penalty of the same character as that authorized by statute, absent specific direction to the contrary. Title 14 also maintains the abolition of benefit of clergy first enacted by Chapter 138 of the Acts of the General Assembly of 1809.

House Bill 11 contains a number of standard uncodified sections common to code revision projects, primarily designed to protect the status of the revision as a bulk, nonsubstantive restatement of the former law.

House Bill 11 also revises in several other articles a number of provisions relating to criminal law, regulatory, and enforcement matters originally codified in Article 27. These other articles include Articles 1, 2B, and 24, and the Agriculture, Business Regulation, Commercial Law, Environment, Family Law, Health — General, Natural Resources, and Real Property Articles. Other, obsolete material was transferred to the Session Laws or repealed, as appropriate.

Current Law: This bill revises, restates, and recodifies current laws relating to various criminal law matters.

Background: The Criminal Law Article is a product of the continuing revision of the Annotated Code of Maryland by the legal staff of the Office of Policy Analysis, Department of Legislative Services. The first revised articles were enacted at the First Extraordinary Session of 1973. To date, 26 other revised articles have become law: Agriculture, Business Occupations and Professions, Business Regulation, Commercial Law, Corporations and Associations, Correctional Services, Courts and Judicial Proceedings, Criminal Procedure, Education, Estates and Trusts, Family Law, Financial Institutions, Health - Environmental (now Environment), Health - General, Health Occupations, Insurance, Labor and Employment, Natural Resources, Public Utility Companies, Real Property, State Finance and Procurement, State Government, State Personnel and Pensions, Tax - General, Tax - Property, and Transportation. The basic thrust of the revision is formal; the sole purposes of the work are modernization and clarification, not policymaking

Additional Comments: Every effort is made to ensure that a proposed revision conforms as nearly as possible to the intent of the General Assembly, and any issues involving the interpretation of an aspect of current law are highlighted in the appropriate revisor's note. In other instances, the staff and the Article Review Committee have used revisor's notes to call to the attention of the General Assembly fundamental policy issues that are beyond the purview of the revision process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2002
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