

Article - Courts and Judicial Proceedings

§5–106.

(a) Except as provided by this section, § 1–303 of the Environment Article, and § 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be instituted within 1 year after the offense was committed.

(b) Notwithstanding § 9–103(a)(3) of the Correctional Services Article or any other provision of the Code, if a statute provides that a misdemeanor is punishable by imprisonment in the penitentiary or that a person is subject to this subsection:

(1) The State may institute a prosecution for the misdemeanor at any time;
and

(2) For purposes of the Maryland Constitution, the person:

(i) Shall be deemed to have committed a misdemeanor whose punishment is confinement in the penitentiary; and

(ii) May reserve a point or question for in banc review as provided under Article IV, § 22 of the Maryland Constitution.

(c) A prosecution under the vehicle code shall be instituted within 2 years after the offense was committed if the charge is:

(1) Unlawfully using a driver's license; or

(2) Fraudulently using a false or fictitious name when applying for a driver's license.

(d) A prosecution for Sabbath breaking or drunkenness shall be instituted within 30 days after the offense was committed.

(e) In Allegany County, a prosecution for selling alcoholic beverages to a person under the legal age for drinking such alcoholic beverages or for selling alcoholic beverages after hours shall be instituted within 30 days after the offense was committed.

(f) A prosecution for the commission of or the attempt to commit a misdemeanor constituting: (1) a criminal offense under the Maryland Public Ethics Law; or (2) criminal malfeasance, misfeasance, or nonfeasance in office committed by an officer of the State, or of an agency of the State, or of a political subdivision of the State, or of a bicounty or multicounty agency in the State shall be instituted within 2 years after the offense was committed.

(g) A prosecution for conspiracy to commit any of the offenses enumerated in subsection (f) of this section shall be instituted within 2 years after the offense was committed.

(h) A prosecution: (1) for the commission of or for the attempt to commit a misdemeanor constituting a criminal offense under the State election laws; or (2) to impose a civil fine for an offense arising under § 13–604 of the Election Law Article shall be instituted within 3 years after the offense was committed.

(i) A petition by the State Ethics Commission to seek a civil fine under § 5–902(b) of the General Provisions Article may not be initiated unless the complaint is filed by the Commission within 3 years from the time the conduct ended.

(j) A prosecution for a welfare offense under §§ 8–501 through 8–504 of the Criminal Law Article shall be instituted within 3 years after the offense was committed.

(k) A prosecution for a misdemeanor offense under Title 8, Subtitle 5, Part II of the Criminal Law Article shall be instituted within 3 years after the offense was committed.

(l) A prosecution for an offense arising under the Tax – General Article with respect to the sales and use, admissions and amusement, financial institution franchise, income, or motor fuel tax shall be instituted within 3 years after the date on which the offense was committed.

(m) A prosecution for the offense of failure to secure workers' compensation insurance in accordance with Title 9, Subtitle 4 of the Labor and Employment Article shall be instituted within 1 year after the State Workers' Compensation Commission finds, by order, that the employer was uninsured or, pursuant to the authority contained in § 9–1003 of the Labor and Employment Article, within 1 year after the Uninsured Employers' Fund makes payment under § 9–1003 of the Labor and Employment Article, as directed by the Commission.

(n) Except as provided in subsection (g) of this section, the statute of limitations for the prosecution of the crime of conspiracy is the statute of limitations for the prosecution of the substantive crime that is the subject of the conspiracy.

(o) A prosecution for an offense under Title 2, Subtitle 5 or § 2–209 of the Criminal Law Article or § 20–102 of the Transportation Article shall be instituted within 3 years after the offense was committed.

(p) A prosecution for an offense of discrimination on the basis of sex in paying wages under §§ 3–301 through 3–308 of the Labor and Employment Article shall be instituted within 3 years after the performance of the act on which the prosecution is based.

(q) A prosecution for an offense under § 5–362, § 5–3A–45, or § 5–3B–32 of the Family Law Article as to unlawfully charging or receiving compensation in connection with adoption shall be instituted within 3 years after the offense was committed.

(r) A prosecution for an offense under § 14–601 of the Health Occupations Article of practicing, attempting to practice, or offering to practice medicine without a

license shall be instituted within 3 years after the offense was committed.

(s) A prosecution for an offense under the Maryland Charitable Solicitations Act (Title 6 of the Business Regulation Article) shall be instituted within 3 years after the offense was committed.

(t) A prosecution for an offense under § 5–140, § 5–141, or § 5–143 of the Public Safety Article, relating to straw sales of regulated firearms to prohibited persons or minors and to illegal sales, rentals, transfers, possession, or receipt of regulated firearms, shall be instituted within 3 years after the offense was committed.

(u) A prosecution for a violation of the fish and fisheries provisions of Title 4 of the Natural Resources Article or the wildlife provisions of Title 10 of the Natural Resources Article shall be instituted within 2 years after commission of the offense.

(v) A prosecution under § 7–302 of the Criminal Law Article relating to computer crimes shall be instituted within 3 years after the offense was committed.

(w) A prosecution for an offense under § 3–605 of the Criminal Law Article relating to abuse or neglect of a vulnerable adult shall be instituted within 2 years after the offense was committed.

(x) A prosecution for a misdemeanor offense under Title 1A, Title 9, or Title 17 of the Health Occupations Article shall be instituted within 3 years after the offense was committed.

(y) A prosecution for a misdemeanor offense under the Insurance Article shall be instituted within 3 years after the offense was committed.

(z) A prosecution for a misdemeanor offense under § 3–308(c) or, if the victim was a minor at the time of the offense, § 3–308(b)(1) of the Criminal Law Article shall be instituted within 3 years after the offense was committed.

(aa) (1) This subsection applies in Anne Arundel County to an offense that:

(i) Occurs in the Chesapeake Bay Critical Area, as defined in § 8–1807 of the Natural Resources Article; and

(ii) Is a violation of a local law that relates to environmental protection or natural resource conservation, including a local law regulating:

1. Grading;
2. Sediment control;
3. Stormwater management;
4. Zoning;

5. Construction; or
6. Health and public safety.

(2) A prosecution for an offense described in paragraph (1) of this subsection shall be instituted within 3 years after the commission of the offense.

(bb) A prosecution for a misdemeanor offense under § 11–208 of the Criminal Law Article shall be instituted within 2 years after the offense was committed.

(cc) A prosecution for a misdemeanor offense under Title 8, Subtitle 7 or § 8–6B–23 of the Health Occupations Article shall be instituted within 3 years after the offense was committed.

(dd) The statute of limitations for the prosecution of an offense under § 4–204 of the Criminal Law Article relating to the use of a firearm in the commission of a crime of violence or felony is the same as the statute of limitations for the underlying crime.

(ee) (1) This subsection applies in Talbot County to an offense that:

(i) Occurs in the Chesapeake Bay Critical Area, as defined in § 8–1807 of the Natural Resources Article; and

(ii) Is a violation of a local law that relates to environmental protection or natural resource conservation, including a local law regulating:

1. Grading;
2. Sediment control;
3. Stormwater management;
4. Zoning;
5. Construction; or
6. Health and public safety.

(2) A criminal prosecution or a suit for a civil penalty for an offense described in paragraph (1) of this subsection shall be instituted within 3 years after the local authorities in fact knew or reasonably should have known of the violation.