
By: Senators Frosh and Miller

Introduced and read first time: January 12, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Statute of Limitations - Election Law and Ethics Law Violations**

3 FOR the purpose of altering the statute of limitations period for a prosecution for
4 violations of certain fair election practices laws and certain lobbying disclosure laws;
5 and generally relating to the statute of limitations period for certain election law
6 and ethics law violations.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 5-106
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1995 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 5-106.

16 (a) Except as provided by this section, a prosecution for a misdemeanor shall be
17 instituted within one year after the offense was committed.

18 (b) Notwithstanding Article 27, § 690(e) of the Code, if a statute provides that a
19 misdemeanor is punishable by imprisonment in the penitentiary, the State may institute a
20 prosecution for the offense at any time.

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

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

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

26 (d) A prosecution for Sabbath breaking or drunkenness shall be instituted within
27 30 days after the offense was committed.

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

4 (f) A prosecution for the commission of or the attempt to commit a misdemeanor
 5 constituting: (1) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, a
 6 criminal offense under the State election laws; or (2) a criminal offense under the State
 7 conflict of interest laws; or (3) criminal malfeasance, misfeasance, or nonfeasance in
 8 office committed by an officer of the State, or of an agency of the State, or of a political
 9 subdivision of the State, or of a bicounty or multicounty agency in the State shall be
 10 instituted within two years after the offense was committed.

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

14 (H) A PROSECUTION FOR AN OFFENSE ARISING UNDER ARTICLE 33, SUBTITLE
 15 26 OF THE CODE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE WAS
 16 COMMITTED.

17 (I) A PROSECUTION FOR AN OFFENSE ARISING UNDER TITLE 15, SUBTITLE 7
 18 OF THE STATE GOVERNMENT ARTICLE SHALL BE INSTITUTED WITHIN 3 YEARS
 19 AFTER THE OFFENSE WAS COMMITTED.

20 [(h)] (J) A prosecution for a welfare offense under Article 27, § 230A of the
 21 Code shall be instituted within three years after the offense was committed.

22 [(i)] (K) A prosecution for the offense of Medicaid fraud under Article 27, §
 23 230B of this Code shall be instituted within 3 years after the offense was committed.

24 [(j)] (L) A prosecution for an offense arising under the Tax - General Article
 25 with respect to the financial institution franchise, income, or motor fuel tax shall be
 26 instituted within 3 years after the date on which the offense was committed.

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

34 [(l)] (N) A prosecution for an offense of the controlled hazardous substance law
 35 under § 7-265(b) of the Environment Article, shall be instituted within 2 years after
 36 commission of the offense.

37 [(m)] (O) Except as provided in subsection (g) of this section, the statute of
 38 limitations for the prosecution of the crime of conspiracy is the statute of limitations for
 39 the prosecution of the substantive crime that is the subject of the conspiracy.

40 [(n)] (P) A prosecution for an offense under Article 27, § 388 or § 388A of the
 41 Code shall be instituted within 3 years after the offense was committed.

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1 [(o)] (Q) A prosecution for an offense of discrimination on the basis of sex in
2 paying wages under §§ 3-301 through 3-308 of the Labor and Employment Article shall
3 be instituted within 3 years after the performance of the act on which the prosecution is
4 based.

5 [(p)] (R) A prosecution for an offense of unlawfully charging or receiving
6 compensation in connection with an adoption under § 5-327 of the FamilyLaw Article
7 shall be instituted within 3 years after the offense was committed.

8 [(q)] (S) A prosecution for an offense under § 14-601 of the Health Occupations
9 Article of practicing, attempting to practice, or offering to practice medicine without a
10 license shall be instituted within 3 years after the offense was committed.

11 [(r)] (T) A prosecution for an offense under the Maryland Charitable
12 Solicitations Act (Title 6 of the Business Regulations Article) shall be instituted within 3
13 years after the offense was committed.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1996.