
By: **Delegates Marriott, Benson, Cole, Grosfeld, and Kirk**
Introduced and read first time: February 3, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Criminal Malfeasance, Misfeasance, or Nonfeasance -**
3 **Statute of Limitations**

4 FOR the purpose of altering the statute of limitations for the prosecution of criminal
5 malfeasance, misfeasance, or nonfeasance in office committed by certain
6 persons; altering the statute of limitations for the prosecution of conspiracy to
7 commit criminal malfeasance, misfeasance, or nonfeasance in office; making
8 stylistic changes; and generally relating to the statute of limitations for offenses
9 relating to criminal malfeasance, misfeasance, or nonfeasance in office.

10 BY repealing and reenacting, without amendments,
11 Article - Courts and Judicial Proceedings
12 Section 5-106(a), (g), and (h)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 5-106(f)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 1999 Supplement)

20 BY adding to
21 Article - Courts and Judicial Proceedings
22 Section 5-106(y)
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 1999 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 5-106.

3 (a) Except as provided by this section, a prosecution for a misdemeanor shall
4 be instituted within 1 year after the offense was committed.5 (f) A prosecution [for the commission of or the attempt to commit a
6 misdemeanor constituting: (1) except as provided in subsection (h) of this section, a
7 criminal offense under the State election laws; or (2) a criminal offense under the
8 State conflict of interest laws; or (3) criminal malfeasance, misfeasance, or
9 nonfeasance in office committed by an officer of the State, or of an agency of the State,
10 or of a political subdivision of the State, or of a bicounty or multicounty agency in the
11 State] shall be instituted within 2 years after the offense was committed FOR THE
12 COMMISSION OF OR THE ATTEMPT TO COMMIT A MISDEMEANOR CONSTITUTING:13 (1) EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, A
14 CRIMINAL OFFENSE UNDER THE STATE ELECTION LAWS; OR15 (2) A CRIMINAL OFFENSE UNDER THE STATE CONFLICTS OF INTEREST
16 LAWS.17 (g) A prosecution for conspiracy to commit any of the offenses enumerated in
18 subsection (f) of this section shall be instituted within 2 years after the offense was
19 committed.20 (h) A prosecution to impose a civil fine for an offense arising under Article 33,
21 § 13-604 of the Code shall be instituted within 3 years after the offense was
22 committed.23 (Y) THE STATE MAY INSTITUTE A PROSECUTION AT ANY TIME FOR THE
24 COMMISSION OF OR THE ATTEMPT OR CONSPIRACY TO COMMIT A MISDEMEANOR
25 CONSTITUTING CRIMINAL MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN
26 OFFICE COMMITTED BY AN OFFICER OF:

27 (1) THE STATE:

28 (2) AN AGENCY OF THE STATE;

29 (3) A POLITICAL SUBDIVISION OF THE STATE; OR

30 (4) A BICOUNTY OR MULTICOUNTY AGENCY IN THE STATE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2000.