

SENATE BILL 757

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2002 Regular Session
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By: **Senators Stone and Hughes (Committee to Revise Article 27 - Crimes and Punishments) and Senator Kelley (State Commission on Criminal Sentencing Policy)**

Introduced and read first time: February 1, 2002
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Fines**

3 FOR the purpose of adding and altering fines and penalties for certain crimes;
4 making stylistic changes; providing for the effective date of certain provisions of
5 this Act; providing for the termination of certain provisions of this Act; and
6 generally relating to penalties for crimes.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 36E(f) and 481D
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 38A - Fires and Investigations
14 Section 34A and 34B
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 88A - Department of Human Resources
19 Section 89
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2001 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Agriculture
24 Section 3-701
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2001 Supplement)

1 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
2 2002)

3 BY repealing and reenacting, with amendments,
4 Article - Commercial Law
5 Section 14-1404
6 Annotated Code of Maryland
7 (2000 Replacement Volume and 2001 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Commercial Law
10 Section 14-2903
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2001 Supplement)
13 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
14 2002)

15 BY repealing and reenacting, with amendments,
16 Article - Correctional Services
17 Section 3-409
18 Annotated Code of Maryland
19 (1999 Volume and 2001 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Courts and Judicial Proceedings
22 Section 10-412
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Criminal Law
27 Section 3-202, 3-203, 3-210, 3-307, 3-310, 3-312, 3-319, 3-320, 3-402, 3-403,
28 3-405, 3-503, 3-601, 3-701, 3-702, 3-704, 3-705, 3-706, 3-708, 3-804,
29 3-805, 4-101, 4-102, 4-105, 4-203, 4-204, 4-306, 4-404, 4-405, 5-618,
30 5-621, 5-702, 6-105, 6-202 through 6-207, inclusive, 6-301, 6-306,
31 6-307, 6-505, 7-104(g), 7-114, 7-116, 7-203, 7-205, 7-302, 8-106, 8-204
32 through 8-210, inclusive, 8-216, 8-408, 8-503, 8-601 through 8-609,
33 inclusive, 8-612, 8-702, 8-802, 9-101, 9-102, 9-412 through 9-416,
34 inclusive, 10-404, 11-107, 11-202, 11-205, 11-306, and 12-102 through
35 12-105, inclusive
36 Annotated Code of Maryland
37 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
38 2002)

39 BY repealing and reenacting, with amendments,

1 Article - Family Law
2 Section 9-307 and 10-203
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2001 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - State Finance and Procurement
7 Section 2-305
8 Annotated Code of Maryland
9 (2001 Replacement Volume)

10 BY repealing and reenacting, with amendments,
11 Article 33 - Election Code
12 Section 16-202, 16-302, 16-304, 16-601, 16-801, and 16-804
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Election Law
17 Section 16-202, 16-302, 16-304, 16-601, 16-801, and 16-804
18 Annotated Code of Maryland
19 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2002)

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

22 **Article 27 - Crimes and Punishments**

23 36E.

24 (f) The Secretary may revoke any permit issued or renewed at any time upon
25 a finding that (i) the holder no longer satisfies the qualifications set forth in
26 subsection (a), or (ii) the holder of the permit has violated subsection (e) hereof. A
27 person holding a permit which is revoked by the Secretary shall return the permit to
28 the Secretary within ten days after receipt of notice of the revocation. Any person who
29 fails to return a revoked permit in violation of this section shall be guilty of a
30 misdemeanor, and, upon conviction, shall be fined not [less than \$100 or] more than
31 \$1,000, or be imprisoned for not more than one year, or both.

32 481D.

33 (a) A person may not possess a rifle or a shotgun if the person is suffering from
34 a mental disorder as defined in § 10-101(f)(2) of the Health - General Article and has
35 a history of violent behavior against another person or self, or has been confined for
36 more than 30 consecutive days to a facility as defined in § 10-101 of the Health -
37 General Article, unless the person possesses a physician's certification that the person

1 is capable of possessing a rifle or a shotgun without undue danger to the person or to
2 others.

3 (b) Any person violating the provisions of this section is guilty of a
4 misdemeanor and upon conviction is subject to a fine not exceeding [\$1,000] \$3,000 or
5 imprisonment not exceeding 3 years, or both.

6 **Article 38A - Fires and Investigations**

7 34A.

8 Any person who violates § 27A of this subtitle shall be guilty of a felony and,
9 upon conviction, shall be imprisoned for a term of not more than twenty years, or
10 fined not more than [ten thousand dollars (\$10,000.00)] \$20,000, or both, in the
11 discretion of the court; provided, however, that this section shall not apply to any
12 person who neither intended to use nor used the explosives involved in violation of
13 any provision of Article 27 of this Code or § 3-218, § 3-305(c)(2), § 3-409(a) or (c), §
14 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), §
15 11-702(b)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), §
16 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or §
17 11-726 of the Correctional Services Article.

18 34B.

19 Any person who violates § 31 of this subtitle, or who otherwise aids or counsels
20 in a violation of § 27A of this subtitle, or who commits any other act in furtherance of
21 a violation of § 27A of this subtitle, or who conspires to violate § 27A of this subtitle
22 shall be guilty of a felony and, upon conviction, shall be imprisoned for a term of not
23 more than twenty years, or fined not more than [ten thousand dollars (\$10,000.00)]
24 \$20,000, or both, in the discretion of the court; provided, however, that this section
25 shall not apply to any person who had probable cause to believe that the explosives
26 involved would be used for a purpose other than the violation of a provision of Article
27 27 of this Code or § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), §
28 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(b)(8), § 11-703(d)(5)(iii), §
29 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), §
30 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services
31 Article.

32 **Article 88A - Department of Human Resources**

33 89.

34 (a) No unauthorized person may sell or purchase federal food stamp program
35 benefits.

36 (b) No person may knowingly buy or sell merchandise which has been
37 purchased with federal food stamp program benefits.

1 (c) (1) Every person violating the provisions of this section in which the
2 value of the money or goods involved is \$1,000 or more is guilty of a felony and upon
3 conviction shall:

4 (i) Make full restitution of the money or goods unlawfully received
5 or perform community service, as determined by the court; and

6 (ii) Be subject to a fine of not more than \$10,000 or imprisonment
7 for a period not to exceed 5 years or both.

8 (2) Every person violating the provisions of this section in which the
9 value of the money or goods is less than \$1,000 is guilty of a misdemeanor and upon
10 a conviction shall:

11 (i) Make full restitution of the money or goods unlawfully received
12 or perform community service, as determined by the court; and

13 (ii) Be subject to a fine of not more than [~~\$1,000~~] \$3,000 or
14 imprisonment for a period not to exceed 3 years or both.

15 **Article - Agriculture**

16 3-701.

17 (a) A person may not willfully and maliciously open the gate of another's field,
18 pasture, or enclosure that encloses livestock.

19 (b) A person who violates this section is guilty of a misdemeanor and on
20 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
21 [~~\$500~~] \$1,000 or both.

22 **Article - Commercial Law**

23 14-1404.

24 Any person who violates this title is guilty of a felony and on conviction is
25 subject to a fine not to exceed [~~\$1,000~~] \$15,000 or imprisonment of not more than 15
26 years, or both.

27 14-2903.

28 (a) A person may not advertise for sale merchandise, commodities, or service
29 through an advertisement describing the merchandise, commodities, or service:

30 (1) As part of a plan or scheme with the intent not to sell the
31 merchandise, commodity, or service at the advertised price; or

32 (2) With the intent not to sell the merchandise, commodity, or service.

1 (b) A person who violates this section is guilty of a misdemeanor and on
2 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
3 [\$500] \$1,000 or both.

4 **Article - Correctional Services**

5 3-409.

6 (a) (1) An inmate who willfully violates the conditions of the inmate's
7 placement in the program is guilty of a misdemeanor and on conviction is subject to
8 imprisonment not exceeding 1 year OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

9 (2) Notwithstanding § 9-104 of this article, a sentence under this
10 subsection may be to the jurisdiction of the Division.

11 (b) Commission of any crime by an inmate constitutes a violation of the
12 conditions of the inmate's placement in the program.

13 (c) An inmate who knowingly violates § 3-406 of this subtitle is guilty of
14 escape and on conviction is subject to the penalties established under Article 27, § 137
15 of the Code.

16 **Article - Courts and Judicial Proceedings**

17 10-412.

18 Any person who breaks and enters, enters under false pretenses, or trespasses,
19 upon any premises with the intent to place, adjust or remove wiretapping or
20 electronic surveillance or eavesdropping equipment without a court order is guilty of
21 a felony and upon conviction may be imprisoned for not more than ten years OR
22 FINED NOT MORE THAN \$10,000 OR BOTH.

23 **Article - Criminal Law**

24 3-202.

25 (a) (1) A person may not intentionally cause or attempt to cause serious
26 physical injury to another.

27 (2) A person may not commit an assault with a firearm, including:

28 (i) a handgun, antique firearm, rifle, shotgun, short-barreled
29 shotgun, or short-barreled rifle, as those terms are defined in § 4-201 of this article;

30 (ii) an assault pistol, as defined in § 4-301 of this article;

31 (iii) a machine gun, as defined in § 4-401 of this article; and

32 (iv) a regulated firearm, as defined in Article 27, § 441 of the Code.

1 (b) A person who violates this section is guilty of the felony of assault in the
2 first degree and on conviction is subject to imprisonment not exceeding 25 years OR A
3 FINE NOT EXCEEDING \$25,000 OR BOTH.

4 3-203.

5 (a) A person may not commit an assault.

6 (b) A person who violates this section is guilty of the misdemeanor of assault
7 in the second degree and on conviction is subject to imprisonment not exceeding 10
8 years or a fine not exceeding [\$2,500] \$10,000 or both.

9 3-210.

10 (a) An inmate convicted of assault under this subtitle on another inmate or on
11 an employee of a State correctional facility, a local correctional facility, or a sheriff's
12 office, regardless of employment capacity, shall be sentenced under this section.

13 (b) A sentence imposed under this section shall be consecutive to any sentence
14 that the inmate was serving at the time of the crime or that had been imposed but
15 was not yet being served at the time of sentencing.

16 (c) A sentence imposed under this section may not be suspended.

17 (D) AN INMATE CONVICTED OF ASSAULT UNDER THIS SUBTITLE IS ALSO
18 SUBJECT TO A FINE AS PROVIDED UNDER THE STATUTE FOR WHICH THE INMATE
19 WAS CONVICTED.

20 3-307.

21 (a) A person may not:

22 (1) (i) engage in sexual contact with another without the consent of
23 the other; and

24 (ii) 1. employ or display a dangerous weapon, or a physical object
25 that the victim reasonably believes is a dangerous weapon;

26 2. suffocate, strangle, disfigure, or inflict serious physical
27 injury on the victim or another in the course of committing the crime;

28 3. threaten, or place the victim in fear, that the victim, or an
29 individual known to the victim, imminently will be subject to death, suffocation,
30 strangulation, disfigurement, serious physical injury, or kidnapping; or

31 4. commit the crime while aided and abetted by another;

32 (2) engage in sexual contact with another if the victim is a mentally
33 defective individual, a mentally incapacitated individual, or a physically helpless
34 individual, and the person performing the act knows or reasonably should know the

1 victim is a mentally defective individual, a mentally incapacitated individual, or a
2 physically helpless individual;

3 (3) engage in sexual contact with another if the victim is under the age of
4 14 years, and the person performing the sexual contact is at least 4 years older than
5 the victim;

6 (4) engage in a sexual act with another if the victim is 14 or 15 years old,
7 and the person performing the sexual act is at least 21 years old; or

8 (5) engage in vaginal intercourse with another if the victim is 14 or 15
9 years old, and the person performing the act is at least 21 years old.

10 (b) A person who violates this section is guilty of the felony of sexual offense in
11 the third degree and on conviction is subject to imprisonment not exceeding 10 years
12 OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

13 3-310.

14 (a) A person may not attempt to commit rape in the second degree.

15 (b) A person who violates this section is guilty of a felony and on conviction is
16 subject to imprisonment not exceeding 20 years OR A FINE NOT EXCEEDING \$20,000
17 OR BOTH.

18 3-312.

19 (a) A person may not attempt to commit a sexual offense in the second degree.

20 (b) A person who violates this section is guilty of a felony and on conviction is
21 subject to imprisonment not exceeding 20 years OR A FINE NOT EXCEEDING \$20,000
22 OR BOTH.

23 3-319.

24 A person who is convicted of sodomy is guilty of a felony and is subject to
25 imprisonment not exceeding 10 years OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

26 3-320.

27 (a) A person may not:

28 (1) take the sexual organ of another or of an animal in the person's
29 mouth;

30 (2) place the person's sexual organ in the mouth of another or of an
31 animal; or

32 (3) commit another unnatural or perverted sexual practice with another
33 or with an animal.

1 (b) A person who violates this section is guilty of a misdemeanor and on
2 conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
3 [\$1,000] \$10,000 or both.

4 (c) A person who violates this section is subject to § 5-106(b) of the Courts
5 Article.

6 (d) An indictment for a violation of this section:

7 (1) is sufficient if it states that the defendant committed an unnatural
8 and perverted sexual practice with a person or animal as applicable; but

9 (2) need not state the particular:

10 (i) unnatural or perverted sexual practice with which the
11 defendant is charged; or

12 (ii) manner in which the defendant committed the unnatural or
13 perverted sexual practice.

14 3-402.

15 (a) A person may not commit or attempt to commit robbery.

16 (b) A person who violates this section is guilty of a felony and on conviction is
17 subject to imprisonment not exceeding 15 years OR A FINE NOT EXCEEDING \$15,000
18 OR BOTH.

19 3-403.

20 (a) A person may not commit or attempt to commit robbery under § 3-402 of
21 this subtitle with a dangerous weapon.

22 (b) A person who violates this section is guilty of a felony and on conviction is
23 subject to imprisonment not exceeding 20 years OR A FINE NOT EXCEEDING \$20,000
24 OR BOTH.

25 3-405.

26 (a) In this section, "motor vehicle" has the meaning stated in § 11-135 of the
27 Transportation Article.

28 (b) (1) An individual may not take unauthorized possession or control of a
29 motor vehicle from another individual who actually possesses the motor vehicle, by
30 force or violence, or by putting that individual in fear through intimidation or threat
31 of force or violence.

32 (2) A violation of this subsection is carjacking.

33 (c) (1) A person may not employ or display a dangerous weapon during the
34 commission of a carjacking.

1 (2) A violation of this subsection is armed carjacking.

2 (d) A person who violates this section is guilty of a felony and on conviction is
3 subject to imprisonment not exceeding 30 years OR A FINE NOT EXCEEDING \$30,000
4 OR BOTH.

5 (e) A sentence imposed under this section may be separate from and
6 consecutive to a sentence for any other crime that arises from the conduct underlying
7 the carjacking or armed carjacking.

8 (f) It is not a defense under this section that the defendant did not intend
9 permanently to deprive the owner of the motor vehicle.

10 3-503.

11 (a) (1) A person may not, without color of right:

12 (i) forcibly abduct, take, or carry away a child under the age of 12
13 years from:

14 1. the home or usual place of abode of the child; or

15 2. the custody and control of the child's parent or legal
16 guardian;

17 (ii) without the consent of the child's parent or legal guardian,
18 persuade or entice a child under the age of 12 years from:

19 1. the child's home or usual place of abode; or

20 2. the custody and control of the child's parent or legal
21 guardian; or

22 (iii) with the intent of depriving the child's parent or legal guardian,
23 or any person lawfully possessing the child, of the custody, care, and control of the
24 child, knowingly secrete or harbor a child under the age of 12 years.

25 (2) In addition to the prohibitions provided under paragraph (1) of this
26 subsection, a person may not, by force or fraud, kidnap, steal, take, or carry away a
27 child under the age of 16 years.

28 (b) (1) A person who violates subsection (a)(1) of this section is guilty of
29 a felony and on conviction is subject to imprisonment not exceeding 20 years OR A
30 FINE NOT EXCEEDING \$20,000 OR BOTH.

31 (2) (i) Except as provided under subparagraph (ii) of this paragraph, a
32 person, other than a parent of the child, who violates subsection (a)(2) of this section
33 is guilty of a felony and on conviction is subject to imprisonment not exceeding 30
34 years.

1 (ii) 1. If a person convicted under subsection (a)(2) of this section
2 is convicted in the same proceeding of rape or a first degree sexual offense under
3 Subtitle 3 of this title, the person is guilty of a felony and on conviction is subject to
4 imprisonment not exceeding life without the possibility of parole.

5 2. If the State intends to seek a sentence of imprisonment for
6 life without the possibility of parole under subparagraph (i) of this paragraph, the
7 State shall notify the person in writing of the State's intent at least 30 days before
8 trial.

9 3-601.

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) "Abuse" means:

12 (i) physical injury sustained by a minor as a result of cruel or
13 inhumane treatment or as a result of a malicious act under circumstances that
14 indicate that the minor's health or welfare is harmed or threatened by the treatment
15 or act; or

16 (ii) sexual abuse of a minor, whether physical injuries are sustained
17 or not.

18 (3) "Family member" means a relative of a minor by blood, adoption, or
19 marriage.

20 (4) "Household member" means a person who lives with or is a regular
21 presence in a home of a minor at the time of the alleged abuse.

22 (5) (i) "Sexual abuse" means an act that involves sexual molestation
23 or exploitation of a minor.

24 (ii) "Sexual abuse" includes:

25 1. incest;

26 2. rape;

27 3. sexual offense in any degree;

28 4. sodomy; and

29 5. unnatural or perverted sexual practices.

30 (b) (1) A parent or other person who has permanent or temporary care or
31 custody or responsibility for the supervision of a minor may not cause abuse to the
32 minor.

33 (2) A household member or family member may not cause abuse to a
34 minor.

1 (c) A person who violates this section is guilty of a felony and on conviction is
2 subject to:

3 (1) imprisonment not exceeding 15 years OR A FINE NOT EXCEEDING
4 \$15,000 OR BOTH; or

5 (2) if the violation results in the death of the victim, imprisonment not
6 exceeding 30 years.

7 (d) A sentence imposed under this section may be separate from and
8 consecutive to or concurrent with a sentence for any crime based on the act
9 establishing the violation of this section.

10 3-701.

11 (a) This section does not apply to legitimate efforts by employees or their
12 representatives to obtain certain wages, hours, or working conditions.

13 (b) A person may not obtain or attempt to obtain money, property, or anything
14 of value from another person with the person's consent, if the consent is induced by
15 wrongful use of actual or threatened force or violence, or by wrongful threat of
16 economic injury.

17 (c) If the value of the property is \$500 or more, a person who violates this
18 section is guilty of the felony of extortion and on conviction is subject to imprisonment
19 not exceeding 10 years or a fine not exceeding [\$5,000] \$10,000 or both.

20 (d) If the value of the property is less than \$500, a person who violates this
21 section is guilty of the misdemeanor of extortion and on conviction is subject to
22 imprisonment not exceeding 18 months or a fine not exceeding [\$500] \$1,000 or both.

23 (e) A prosecution for a felony under this section shall be instituted within 5
24 years after the crime was committed.

25 3-702.

26 (a) An officer or employee of the State or of a county, municipal corporation,
27 bicounty agency, or multicounty agency may not wrongfully obtain or attempt to
28 obtain money, property, or anything of value from a person with the person's consent,
29 if the consent is obtained under color or pretense of office, under color of official right,
30 or by wrongful use of actual or threatened force or violence.

31 (b) If the value of the property is greater than \$500, a person who violates this
32 section:

33 (1) is guilty of the felony of extortion and on conviction is subject to
34 imprisonment not exceeding 10 years or a fine not exceeding [\$5,000] \$10,000 or both;
35 and

1 (2) notwithstanding any pardon, shall be barred permanently from
2 employment by the State or by a county, municipal corporation, bicounty agency, or
3 multicounty agency.

4 (c) If the value of the property is \$500 or less, a person who violates this
5 section is guilty of the misdemeanor of extortion and on conviction is subject to
6 imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

7 (d) A prosecution for a felony under this section shall be instituted within 5
8 years after the crime was committed.

9 3-704.

10 (a) A person, with the intent to extort money or procure other profit, may not
11 falsely accuse or threaten to accuse another of a crime or of anything that, if the
12 accusation were true, would tend to bring the other into contempt or disrepute.

13 (b) A person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to imprisonment not exceeding 2 years OR A FINE NOT
15 EXCEEDING \$2,000 OR BOTH.

16 3-705.

17 (a) A person, with the intent to extort or gain money, property, or anything of
18 value from another, may not verbally threaten to:

19 (1) accuse any person of a crime that may be charged by indictment
20 under the laws of the State or of anything that, if true, would bring the person into
21 contempt or disrepute; or

22 (2) injure the person or property of anyone.

23 (b) A person who violates this section is guilty of a felony and on conviction
24 shall be sentenced to imprisonment for not less than 2 years and not exceeding 10
25 years OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

26 3-706.

27 (a) (1) This section applies to any writing, whether or not the writing is
28 signed, or if the writing is signed, whether or not it is signed with a fictitious name or
29 any other mark or designation.

30 (2) This section does not apply to a good faith reasonable notice of
31 dishonor and warning of criminal prosecution under Title 8, Subtitle 1 of this article
32 given by a holder of an instrument to the maker of the instrument.

33 (b) A person, with the intent to extort or gain money, property, or anything of
34 value from another, may not knowingly send or deliver, or make for the purpose of
35 being sent or delivered and part with the possession of, a writing threatening to:

1 (1) accuse any person of a crime that may be charged by indictment
2 under the laws of the State or of anything that, if true, would bring the person into
3 contempt or disrepute; or

4 (2) injure the person or property of anyone.

5 (c) A person who violates this section is guilty of a felony and on conviction is
6 subject to imprisonment for not less than 2 years and not exceeding 10 years OR A
7 FINE NOT EXCEEDING \$10,000 OR BOTH.

8 3-708.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) "Local official" means an individual serving in a publicly elected
11 office of a local government unit, as defined in § 10-101 of the State Government
12 Article.

13 (3) (i) "State official" has the meaning stated in § 15-102 of the State
14 Government Article.

15 (ii) "State official" includes the Governor, Governor-elect,
16 Lieutenant Governor, and Lieutenant Governor-elect.

17 (4) "Threat" includes:

18 (i) an oral threat; or

19 (ii) a threat in any written form, whether or not the writing is
20 signed, or if the writing is signed, whether or not it is signed with a fictitious name or
21 any other mark.

22 (b) A person may not knowingly and willfully make a threat to take the life of,
23 kidnap, or cause physical injury to a State official or local official.

24 (c) A person may not knowingly send, deliver, part with, or make for the
25 purpose of sending or delivering a threat prohibited under subsection (b) of this
26 section.

27 (d) A person who violates this section is guilty of a misdemeanor and on
28 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
29 [\$2,500] \$5,000 or both.

30 3-804.

31 (a) A person may not use telephone facilities or equipment to make:

32 (1) an anonymous call that is reasonably expected to annoy, abuse,
33 torment, harass, or embarrass another;

1 (2) repeated calls with the intent to annoy, abuse, torment, harass, or
2 embarrass another; or

3 (3) a comment, request, suggestion, or proposal that is obscene, lewd,
4 lascivious, filthy, or indecent.

5 (b) A person who violates this section is guilty of a misdemeanor and on
6 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
7 [\$500] \$3,000 or both.

8 3-805.

9 (a) In this section, "electronic mail" means the transmission of information or
10 a communication by the use of a computer or other electronic means that is sent to a
11 person identified by a unique address and that is received by the person.

12 (b) A person may not use electronic mail with the intent to harass:

13 (1) one or more persons; or

14 (2) by sending lewd, lascivious, or obscene material.

15 (c) It is not a violation of this section for any of the following persons to
16 provide information, facilities, or technical assistance to another who is authorized by
17 federal or State law to intercept or provide electronic mail or to conduct surveillance
18 of electronic mail, if a court order directs the person to provide the information,
19 facilities, or technical assistance:

20 (1) a provider of electronic mail;

21 (2) an officer, employee, agent, landlord, or custodian of a provider of
22 electronic mail; or

23 (3) a person specified in a court order directing the provision of
24 information, facilities, or technical assistance to another who is authorized by federal
25 or State law to intercept or provide electronic mail or to conduct surveillance of
26 electronic mail.

27 (d) This section does not apply to a peaceable activity intended to express a
28 political view or provide information to others.

29 (e) A person who violates this section is guilty of a misdemeanor and on
30 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
31 [\$500] \$1,000 or both.

32 4-101.

33 (a) (1) In this section the following words have the meanings indicated.

1 (2) "Nunchaku" means a device constructed of two pieces of any
2 substance, including wood, metal, or plastic, connected by any chain, rope, leather, or
3 other flexible material not exceeding 24 inches in length.

4 (3) (i) "Pepper mace" means an aerosol propelled combination of
5 highly disabling irritant pepper-based products.

6 (ii) "Pepper mace" is also known as oleoresin capsicum (o.c.) spray.

7 (4) "Star knife" means a device used as a throwing weapon, consisting of
8 several sharp or pointed blades arrayed as radially disposed arms about a central
9 disk.

10 (5) (i) "Weapon" includes a dirk knife, bowie knife, switchblade knife,
11 star knife, sandclub, metal knuckles, razor, and nunchaku.

12 (ii) "Weapon" does not include:

13 1. a handgun; or

14 2. a penknife without a switchblade.

15 (b) This section does not prohibit the following individuals from carrying a
16 weapon:

17 (1) an officer of the State, or of any county or municipal corporation of
18 the State, who is entitled or required to carry the weapon as part of the officer's
19 official equipment, or by any conservator of the peace, who is entitled or required to
20 carry the weapon as part of the conservator's official equipment, or by any officer or
21 conservator of the peace of another state who is temporarily in this State;

22 (2) a special agent of a railroad;

23 (3) a holder of a permit to carry a handgun issued under Article 27, § 36E
24 of the Code; or

25 (4) an individual who carries the weapon as a reasonable precaution
26 against apprehended danger, subject to the right of the court in an action arising
27 under this section to judge the reasonableness of the carrying of the weapon, and the
28 proper occasion for carrying it, under the evidence in the case.

29 (c) (1) A person may not wear or carry a dangerous weapon of any kind
30 concealed on or about the person.

31 (2) A person may not wear or carry a dangerous weapon, chemical mace,
32 pepper mace, or a tear gas device openly with the intent or purpose of injuring an
33 individual in an unlawful manner.

34 (3) Except as authorized under subsection (b) of this section, a minor
35 may not possess pepper mace, either openly or concealed.

1 (4) (i) This paragraph applies in Anne Arundel County, Baltimore
2 County, Caroline County, Cecil County, Harford County, Kent County, Montgomery
3 County, Prince George's County, St. Mary's County, Talbot County, Washington
4 County, and Worcester County.

5 (ii) A minor may not carry a dangerous weapon between 1 hour
6 after sunset and 1 hour before sunrise, whether concealed or not, except while:

7 1. on a bona fide hunting trip; or

8 2. engaged in or on the way to or returning from a bona fide
9 trap shoot, sport shooting event, or any organized civic or military activity.

10 (d) (1) (i) A person who violates subsection (c)(1), (2), or (4) of this section
11 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding
12 3 years or a fine not exceeding [\$1,000] \$3,000 OR BOTH.

13 (ii) For a person convicted under subsection (c)(1) or (2) of this
14 section, if it appears from the evidence that the weapon was carried, concealed or
15 openly, with the deliberate purpose of injuring or killing another, the court shall
16 impose the highest sentence of imprisonment prescribed.

17 (2) A person who violates subsection (c)(3) of this section is guilty of a
18 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a
19 fine not exceeding [\$1,000] \$3,000 or both.

20 4-102.

21 (a) This section does not apply to:

22 (1) a law enforcement officer in the regular course of the officer's duty;

23 (2) a person hired by a county board of education specifically for the
24 purpose of guarding public school property;

25 (3) a person engaged in organized shooting activity for educational
26 purposes; or

27 (4) a person who, with a written invitation from the school principal,
28 displays or engages in a historical demonstration using a weapon or a replica of a
29 weapon for educational purposes.

30 (b) A person may not carry or possess a firearm, knife, or deadly weapon of
31 any kind on public school property.

32 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
33 violates this section is guilty of a misdemeanor and on conviction is subject to
34 imprisonment not exceeding 3 years or a fine not exceeding [\$1,000] \$3,000 OR BOTH.

35 (2) A person who is convicted of carrying or possessing a handgun in
36 violation of this section shall be sentenced under Subtitle 2 of this title.

1 4-105.

2 (a) A person may not sell, barter, display, or offer to sell or barter:

3 (1) a knife or a penknife having a blade that opens automatically by
4 hand pressure applied to a button, spring, or other device in the handle of the knife,
5 commonly called a switchblade knife or a switchblade penknife; or

6 (2) a device that is designed to propel a knife from a metal sheath by
7 means of a high-compression ejector spring, commonly called a shooting knife.

8 (b) A person who violates this section is guilty of a misdemeanor and on
9 conviction is subject to imprisonment not exceeding 12 months or a fine [of not less
10 than \$50 and] not exceeding [\$500] \$1,000 or both.

11 4-203.

12 (a) (1) Except as provided in subsection (b) of this section, a person may not:

13 (i) wear, carry, or transport a handgun, whether concealed or open,
14 on or about the person; or

15 (ii) wear, carry, or knowingly transport a handgun, whether
16 concealed or open, in a vehicle traveling on a road or parking lot generally used by the
17 public, highway, waterway, or airway of the State.

18 (2) There is a rebuttable presumption that a person who transports a
19 handgun under paragraph (1)(ii) of this subsection transports the handgun
20 knowingly.

21 (b) This section does not prohibit:

22 (1) the wearing, carrying, or transporting of a handgun by a person who
23 is on active assignment engaged in law enforcement, is authorized at the time and
24 under the circumstances to wear, carry, or transport the handgun as part of the
25 person's official equipment, and is:

26 (i) a law enforcement official of the United States, the State, or a
27 county or city of the State;

28 (ii) a member of the armed forces of the United States or of the
29 National Guard on duty or traveling to or from duty;

30 (iii) a law enforcement official of another state or subdivision of
31 another state temporarily in this State on official business;

32 (iv) a correctional officer or warden of a correctional facility in the
33 State;

34 (v) a sheriff or full-time assistant or deputy sheriff of the State; or

1 (vi) a temporary or part-time sheriffs' deputy;

2 (2) the wearing, carrying, or transporting of a handgun by a person to
3 whom a permit to wear, carry, or transport the handgun has been issued under Article
4 27, § 36E of the Code;

5 (3) the carrying of a handgun on the person or in a vehicle while the
6 person is transporting the handgun to or from the place of legal purchase or sale, or
7 to or from a bona fide repair shop, or between bona fide residences of the person, or
8 between the bona fide residence and place of business of the person, if the business is
9 operated and owned substantially by the person;

10 (4) the wearing, carrying, or transporting by a person of a handgun used
11 in connection with an organized military activity, a target shoot, formal or informal
12 target practice, sport shooting event, hunting, a Department of Natural
13 Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience
14 training class or show, while the person is engaged in, on the way to, or returning
15 from that activity;

16 (5) the moving by a bona fide gun collector of part or all of the collector's
17 gun collection from place to place for public or private exhibition if each handgun is
18 unloaded and carried in an enclosed case or an enclosed holster;

19 (6) the wearing, carrying, or transporting of a handgun by a person on
20 real estate that the person owns or leases or where the person resides or within the
21 confines of a business establishment that the person owns or leases;

22 (7) the wearing, carrying, or transporting of a handgun by a supervisory
23 employee:

24 (i) in the course of employment;

25 (ii) within the confines of the business establishment in which the
26 supervisory employee is employed; and

27 (iii) when so authorized by the owner or manager of the business
28 establishment; or

29 (8) the carrying or transporting of a signal pistol or other visual distress
30 signal approved by the United States Coast Guard in a vessel on the waterways of the
31 State or, if the signal pistol or other visual distress signal is unloaded and carried in
32 an enclosed case, in a vehicle.

33 (c) (1) A person who violates this section is guilty of a misdemeanor and on
34 conviction is subject to the penalties provided in this subsection.

35 (2) If the person has not previously been convicted under this section, §
36 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

1 (i) except as provided in item (ii) of this paragraph, the person is
2 subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine
3 [of not less than \$250 and] not exceeding \$2,500 or both; but

4 (ii) if it appears from the evidence that the handgun was worn,
5 carried, or transported on public school property in the State, the person shall be
6 sentenced to imprisonment for not less than 90 days.

7 (3) (i) If the person has previously been convicted once under this
8 section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, the person shall be
9 sentenced:

10 1. to imprisonment for not less than 1 year and not exceeding
11 10 years; but

12 2. if it appears from the evidence that the handgun was
13 worn, carried, or transported on public school property in the State, to imprisonment
14 for not less than 3 years and not exceeding 10 years.

15 (ii) The court may not impose less than the applicable minimum
16 sentence provided under subparagraph (i) of this paragraph.

17 (III) IN ADDITION TO THE TERM OF IMPRISONMENT REQUIRED
18 UNDER THIS PARAGRAPH, A PERSON WHO IS CONVICTED OF A CRIME DESCRIBED IN
19 SUBPARAGRAPH (I) OF THIS PARAGRAPH IS SUBJECT TO A FINE NOT EXCEEDING
20 \$10,000.

21 (4) (i) If the person has previously been convicted more than once
22 under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, or of any
23 combination of these crimes, the person shall be sentenced:

24 1. to imprisonment for not less than 3 years and not
25 exceeding 10 years; but

26 2. A. if it appears from the evidence that the handgun was
27 worn, carried, or transported on public school property in the State, to imprisonment
28 for not less than 5 years and not exceeding 10 years; or

29 B. if it appears from the evidence that the handgun was
30 worn, carried, or transported with the deliberate purpose of injuring or killing
31 another person, to imprisonment for not less than 5 years and not exceeding 10 years.

32 (ii) The court may not impose less than the applicable minimum
33 sentence provided under subparagraph (i) of this paragraph.

34 (III) IN ADDITION TO THE TERM OF IMPRISONMENT REQUIRED
35 UNDER THIS PARAGRAPH, A PERSON WHO IS CONVICTED OF A CRIME DESCRIBED IN
36 SUBPARAGRAPH (I) OF THIS PARAGRAPH IS SUBJECT TO A FINE NOT EXCEEDING
37 \$10,000.

1 4-204.

2 (a) A person may not use an antique firearm capable of being concealed on the
3 person or any handgun in the commission of a crime of violence, as defined in Article
4 27, § 441 of the Code, or any felony, whether the antique firearm or handgun is
5 operable or inoperable at the time of the crime.

6 (b) (1) (i) A person who violates this section is guilty of a misdemeanor
7 and, in addition to any other penalty imposed for the crime of violence or felony, shall
8 be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

9 (ii) The court may not impose less than the minimum sentence of 5
10 years and, except as otherwise provided in § 4-305 of the Correctional Services
11 Article, the person is not eligible for parole in less than 5 years.

12 (2) For each subsequent violation, the sentence shall be consecutive to
13 and not concurrent with any other sentence imposed for the crime of violence or
14 felony.

15 (3) IN ADDITION TO THE TERM OF IMPRISONMENT REQUIRED UNDER
16 THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS
17 SUBJECT TO A FINE NOT EXCEEDING \$20,000.

18 4-306.

19 (a) A person who violates this subtitle is guilty of a misdemeanor and on
20 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
21 \$5,000 or both.

22 (b) (1) A person who uses an assault pistol, or a magazine that has a
23 capacity of more than 20 rounds of ammunition, in the commission of a felony or a
24 crime of violence as defined in Article 27, § 441 of the Code is guilty of a misdemeanor
25 and on conviction, in addition to any other sentence imposed for the felony or crime of
26 violence, shall be sentenced under this subsection.

27 (2) (i) For a first violation, the person shall be sentenced to
28 imprisonment for not less than 5 and not exceeding 20 years.

29 (ii) The court may not impose less than the minimum sentence of 5
30 years.

31 (iii) The mandatory minimum sentence of 5 years may not be
32 suspended.

33 (iv) Except as otherwise provided in § 4-305 of the Correctional
34 Services Article, the person is not eligible for parole in less than 5 years.

35 (3) (i) For each subsequent violation, the person shall be sentenced to
36 imprisonment for not less than 10 and not exceeding 20 years.

1 (ii) The court may not impose less than the minimum sentence of
2 10 years.

3 (iii) A sentence imposed under this paragraph shall be consecutive
4 to and not concurrent with any other sentence imposed for the felony or crime of
5 violence.

6 (4) IN ADDITION TO THE TERM OF IMPRISONMENT REQUIRED FOR A
7 CONVICTION UNDER THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION
8 UNDER THIS SUBSECTION IS SUBJECT TO A FINE NOT EXCEEDING \$20,000.

9 4-404.

10 (a) A person may not use or possess a machine gun in the commission or
11 attempted commission of a crime of violence.

12 (b) A person who violates this section is guilty of a felony and on conviction is
13 subject to imprisonment not exceeding 20 years OR A FINE NOT EXCEEDING \$20,000
14 OR BOTH.

15 4-405.

16 (a) Possession or use of a machine gun is presumed to be for an offensive or
17 aggressive purpose when:

18 (1) the machine gun:

19 (i) is on premises not owned or rented for bona fide permanent
20 residence or business occupancy by the person in whose possession the machine gun
21 is found;

22 (ii) is in the possession of, or used by, an unnaturalized
23 foreign-born person or a person who has been convicted of a crime of violence in any
24 state or federal court of the United States; or

25 (iii) is not registered as required under § 4-403 of this subtitle; or

26 (2) empty or loaded shells that have been used or are susceptible of being
27 used in the machine gun are found in the immediate vicinity of the machine gun.

28 (b) A person may not possess or use a machine gun for an offensive or
29 aggressive purpose.

30 (c) A person who violates this section is guilty of a misdemeanor and on
31 conviction is subject to imprisonment not exceeding 10 years OR A FINE NOT
32 EXCEEDING \$10,000 OR BOTH.

33 (d) A person who violates this section is subject to § 5-106(b) of the Courts
34 Article.

1 5-618.

2 (a) Except as authorized in this title, a person may not possess or purchase a
3 noncontrolled substance that the person reasonably believes is a controlled dangerous
4 substance.

5 (b) To determine if a person has violated this section, the court shall include in
6 its consideration:

7 (1) whether the noncontrolled substance was packaged in a manner
8 normally used to illegally distribute a controlled dangerous substance;

9 (2) if the noncontrolled substance was purchased, whether the amount of
10 the consideration was substantially greater than the reasonable value of the
11 noncontrolled substance; and

12 (3) whether the physical appearance of the noncontrolled substance is
13 substantially identical to that of a controlled dangerous substance.

14 (c) It is not a defense to a prosecution under this section that the substance a
15 person possessed or purchased was not a controlled dangerous substance if the person
16 reasonably believed that it was a controlled dangerous substance.

17 (d) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
19 [\$500] \$1,000 or both.

20 5-621.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Drug trafficking crime" means a felony or a conspiracy to commit a
23 felony involving the possession, distribution, manufacture, or importation of a
24 controlled dangerous substance under §§ 5-602 through 5-609 and 5-614 of this
25 article.

26 (3) "Forfeiting authority" means the office or person designated by
27 agreement between the State's Attorney for a county and the chief executive officer of
28 the governing body that has jurisdiction over the assets subject to forfeiture.

29 (b) During and in relation to a drug trafficking crime, a person may not:

30 (1) possess a firearm under sufficient circumstances to constitute a
31 nexus to the drug trafficking crime; or

32 (2) use, wear, carry, or transport a firearm.

33 (c) (1) In addition to the sentence provided for the drug trafficking crime, a
34 person who violates subsection (b) of this section is guilty of a felony and on conviction
35 is subject to:

1 (i) for a first violation, imprisonment for not less than 5 years and
2 not exceeding 20 years; or

3 (ii) for each subsequent violation, imprisonment for not less than
4 10 years and not exceeding 20 years.

5 (2) (i) The court shall impose a minimum sentence of 5 years under
6 paragraph (1)(ii) of this subsection.

7 (ii) The court shall impose a minimum sentence of 10 years under
8 paragraph (1)(ii) of this subsection.

9 (3) (i) A court may not suspend any part of a mandatory minimum
10 sentence.

11 (ii) Except as provided in § 4-305 of the Correctional Services
12 Article, a person sentenced under this subsection is not eligible for parole.

13 (iii) A sentence imposed under paragraph (1)(ii) of this subsection
14 shall be consecutive to and not concurrent with any other sentence imposed by virtue
15 of the commission of the drug trafficking crime.

16 (d) (1) (i) In this subsection, "firearm silencer" means a device that is
17 designed for silencing, muffling, or diminishing the report of a firearm.

18 (ii) "Firearm silencer" includes a combination of parts designed,
19 redesigned, or intended for use in assembling or fabricating a firearm silencer or
20 muffler.

21 (2) A court shall double the minimum mandatory sentence provided in
22 subsection (c)(1)(ii) of this section if the firearm used during and in relation to a drug
23 trafficking crime is:

24 (i) listed in § 4-301 of this article or Article 27, § 441 of the Code;

25 (ii) a machine gun; or

26 (iii) equipped with a firearm silencer.

27 (E) IN ADDITION TO THE TERM OF IMPRISONMENT REQUIRED UNDER THIS
28 SECTION, A PERSON CONVICTED OF VIOLATING THIS SECTION IS SUBJECT TO A FINE
29 NOT EXCEEDING \$20,000.

30 [(e)] (F) (1) A firearm or ammunition seized under this section is
31 contraband and shall be forfeited summarily to a forfeiting authority.

32 (2) Unless otherwise prohibited by law or if forfeiture proceedings have
33 begun, the forfeiting authority shall return the seized property to the owner or
34 possessor within 90 days after the date of seizure if:

35 (i) the owner or possessor of the property seized is acquitted; or

1 (ii) the charges against the person are dismissed.

2 (3) Unless otherwise prohibited by law, the forfeiting authority shall
3 return the seized property to the owner or possessor promptly if the State:

4 (i) enters a nolle prosequi against the owner or possessor of
5 property seized; and

6 (ii) does not charge the person within 90 days after the nolle
7 prosequi is entered.

8 5-702.

9 (a) (1) This subsection applies to a person engaged in the business of selling
10 prescription drugs, controlled dangerous substances, medicines, chemicals, or
11 preparations for medical use or of compounding or dispensing these in accordance
12 with physicians' prescriptions.

13 (2) A person subject to this subsection may not knowingly sell or deliver
14 to another a drug, medicine, chemical, or preparation for medicinal use that is
15 recognized or authorized by the latest edition of the United States Pharmacopoeia
16 and National Formulary or prepared according to the private formula of another that
17 is:

18 (i) other or different from the prescription drug, controlled
19 dangerous substance, medicine, chemical, or preparation that is ordered or called for
20 by the person; or

21 (ii) except as authorized under § 12-504 of the Health Occupations
22 Article, called for in a prescription of a physician or other authorized provider.

23 (b) Subsection (a) of this section applies to a person acting on the person's own
24 behalf or as an agent or employee of some other person.

25 (c) (1) A person who violates this section is guilty of a misdemeanor and on
26 conviction is subject to imprisonment of not less than 1 month and not exceeding 1
27 year or a fine [of not less than \$100 and] not exceeding [\$500] \$1,000 or both.

28 (2) A person convicted under this section may not practice pharmacy
29 under a certificate or registration issued under State law.

30 6-105.

31 (a) This section applies to a violation involving property damage of less than
32 \$1,000.

33 (b) A person may not willfully and maliciously set fire to or burn the personal
34 property of another.

1 (c) A person who violates this section is guilty of the misdemeanor of
2 malicious burning in the second degree and on conviction is subject to imprisonment
3 not exceeding 18 months or a fine not exceeding [\$500] \$1,000 or both.

4 6-202.

5 (a) A person may not break and enter the dwelling of another with the intent
6 to commit theft or a crime of violence.

7 (b) A person who violates this section is guilty of the felony of burglary in the
8 first degree and on conviction is subject to imprisonment not exceeding 20 years OR A
9 FINE NOT EXCEEDING \$20,000 OR BOTH.

10 6-203.

11 (a) A person may not break and enter the storehouse of another with the
12 intent to commit theft, a crime of violence, or arson in the second degree.

13 (b) A person may not break and enter the storehouse of another if the person
14 intends to steal, take, or carry away a firearm.

15 (c) A person who violates this section is guilty of the felony of burglary in the
16 second degree and on conviction is subject to:

17 (1) for a violation of subsection (a) of this section, imprisonment not
18 exceeding 15 years OR A FINE NOT EXCEEDING \$15,000 OR BOTH; and

19 (2) for a violation of subsection (b) of this section, imprisonment not
20 exceeding 20 years or a fine not exceeding [\$10,000] \$20,000 or both.

21 6-204.

22 (a) A person may not break and enter the dwelling of another with the intent
23 to commit a crime.

24 (b) A person who violates this section is guilty of the felony of burglary in the
25 third degree and on conviction is subject to imprisonment not exceeding 10 years OR
26 A FINE NOT EXCEEDING \$10,000 OR BOTH.

27 6-205.

28 (a) A person may not break and enter the dwelling of another.

29 (b) A person may not break and enter the storehouse of another.

30 (c) A person, with the intent to commit theft, may not be in or on:

31 (1) the dwelling or storehouse of another; or

32 (2) a yard, garden, or other area belonging to the dwelling or storehouse
33 of another.

1 (d) A person may not possess a burglar's tool with the intent to use or allow
2 the use of the burglar's tool in the commission of a violation of this subtitle.

3 (e) A person who violates this section is guilty of the misdemeanor of burglary
4 in the fourth degree and on conviction is subject to imprisonment not exceeding 3
5 years OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

6 (f) A person who is convicted of violating § 7-104 of this article may not also
7 be convicted of violating subsection (c) of this section based on the act establishing the
8 violation of § 7-104 of this article.

9 6-206.

10 (a) A person may not possess a burglar's tool with the intent to use or allow
11 the use of the burglar's tool in the commission of a crime involving the breaking and
12 entering of a motor vehicle.

13 (b) A person may not be in or on the motor vehicle of another with the intent
14 to commit theft of the motor vehicle or property that is in the motor vehicle.

15 (c) A person who violates this section is guilty of a misdemeanor, shall be
16 considered a rogue and vagabond, and on conviction is subject to imprisonment not
17 exceeding 3 years OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

18 6-207.

19 (a) A person may not open or attempt to open a vault, safe, or other secure
20 repository by the use of a destructive device, as defined in § 4-501 of this article,
21 while committing burglary in the first, second, or third degree.

22 (b) A person who violates this section is guilty of the felony of burglary with
23 explosives and on conviction is subject to imprisonment not exceeding 20 years OR A
24 FINE NOT EXCEEDING \$20,000 OR BOTH.

25 (c) A sentence imposed for a violation of this section may be separate from and
26 consecutive to or concurrent with a sentence for another crime based on the act
27 establishing the violation of this section.

28 6-301.

29 (a) A person may not willfully and maliciously destroy, injure, or deface the
30 real or personal property of another.

31 (b) A person who, in violation of this section, causes damage of at least \$500 to
32 the property is guilty of a misdemeanor and on conviction is subject to imprisonment
33 not exceeding 3 years or a fine not exceeding [\$2,500] \$3,000 or both.

34 (c) A person who, in violation of this section, causes damage of less than \$500
35 to the property is guilty of a misdemeanor and on conviction is subject to
36 imprisonment not exceeding 60 days or a fine not exceeding \$500 or both.

1 (d) (1) For purposes of this subsection, an act of "graffiti" means a
2 permanent drawing, permanent painting, or a permanent mark or inscription on the
3 property of another without the permission of the owner of the property.

4 (2) In addition to the penalties set forth in subsections (b) and (c) of this
5 section, the court shall order a person convicted of causing malicious destruction by
6 an act of graffiti to pay restitution or perform community service or both.

7 (3) Title 11, Subtitle 6 of the Criminal Procedure Article applies to an
8 order of restitution under this subsection.

9 (e) (1) Except as provided in paragraph (2) of this subsection, to determine a
10 penalty, the court may consider as one crime the aggregate value of damage to each
11 property resulting from one scheme or continuing course of conduct.

12 (2) If separate acts resulting in damage to the properties of one or more
13 owners are set forth by separate counts in one or more charging documents, the
14 separate counts may not be merged for sentencing.

15 (f) (1) The value of damage is not a substantive element of a crime under
16 this section and need not be stated in the charging document.

17 (2) The value of damage shall be based on the evidence and that value
18 shall be applied for the purpose of imposing the penalties established in this section.

19 (3) If it cannot be determined from the evidence whether the value of the
20 damage to the property is more or less than \$500, the value is deemed to be less than
21 \$500.

22 6-306.

23 (a) A person may not remove, deface, or obliterate a manufacturer's serial
24 number that is punched on or affixed by plate to a manufactured good with the intent
25 to prevent tracing or identifying that good.

26 (b) Except as provided in § 14-107(m) of the Transportation Article, a person
27 may not knowingly keep or offer for sale a manufactured good from which the
28 manufacturer's serial number has been removed, defaced, or obliterated in violation
29 of subsection (a) of this section.

30 (c) A person who violates this section is guilty of a misdemeanor and on
31 conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding
32 [\$500] \$1,000 or both for each violation.

33 6-307.

34 (a) A person may not:

35 (1) sell or possess a stolen:

36 (i) manufactured serial number; or

1 (ii) vehicle identification plate or label; or
2 (2) possess a manufactured serial number or vehicle identification plate
3 or label if the person intends it to be:

4 (i) affixed to stolen property; or

5 (ii) used for fraudulent purposes.

6 (b) A person who violates a provision of this section is guilty of a misdemeanor
7 and on conviction is subject to imprisonment not exceeding 18 months or a fine not
8 exceeding [\$500] \$1,000 or both for each violation.

9 6-505.

10 (a) In this section, "railroad" has the meaning stated in § 1-101 of the Public
11 Utility Companies Article.

12 (b) A person may not willfully and maliciously strike a railroad vehicle on a
13 railroad or on an electric railway in the State by:

14 (1) shooting or throwing an object at the railroad vehicle; or

15 (2) causing an object to fall on the railroad vehicle.

16 (c) A person who violates this section is guilty of a misdemeanor and on
17 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
18 [\$1,000] \$5,000 or both.

19 7-104.

20 (g) (1) A person convicted of theft of property or services with a value of
21 \$500 or more is guilty of a felony and:

22 (i) is subject to imprisonment not exceeding 15 years or a fine not
23 exceeding [\$1,000] \$15,000 or both; and

24 (ii) shall restore the property taken to the owner or pay the owner
25 the value of the property or services.

26 (2) A person convicted of theft of property or services with a value of less
27 than \$500 is guilty of a misdemeanor and:

28 (i) is subject to imprisonment not exceeding 18 months or a fine
29 not exceeding [\$500] \$1,000 or both; and

30 (ii) shall restore the property taken to the owner or pay the owner
31 the value of the property or services.

1 7-114.

2 (a) (1) In this section, "revenue officer" means an officer with the duty to
3 collect revenue due to the State or a county.

4 (2) "Revenue officer" includes:

5 (i) a clerk;

6 (ii) a notary public;

7 (iii) a register of wills;

8 (iv) a sheriff; and

9 (v) a tax collector.

10 (b) A revenue officer may not willfully detain and neglect to pay money due to
11 the State, a county, or other governmental entity into the Treasury of the State or a
12 county or to another revenue officer authorized to receive the money longer than:

13 (1) 60 days after the date specified by law for the revenue officer to make
14 payment; or

15 (2) 6 months after the date that the money is collected, if the law does
16 not specify a date for the revenue officer to make payment.

17 (c) (1) A revenue officer who violates this section is guilty of the
18 misdemeanor of defalcation.

19 (2) On conviction, and unless the revenue officer pays the amount in
20 default sooner, a revenue officer who violates this section:

21 (i) for each violation, is subject to imprisonment [of at least 1 year
22 and] not exceeding 5 years OR A FINE NOT EXCEEDING \$5,000 OR BOTH; and

23 (ii) is subject to any other penalty provided by law.

24 (d) A revenue officer who violates this section is subject to § 5-106(b) of the
25 Courts Article.

26 (e) In a prosecution under this section, a certificate of the Comptroller of the
27 State or of a revenue officer of a county showing that the defendant is a defaulter is
28 admissible as prima facie evidence of defalcation under this section.

29 7-116.

30 (a) This section applies to a person who is entrusted with money as an
31 advance against grain or other merchandise:

32 (1) that is purchased and stored in an elevator; and

1 (2) for which a certificate or receipt has been delivered to an official of
2 the elevator storage facility or to the party with whom the grain or other merchandise
3 is stored for shipment and transport from Baltimore City to the purchaser.

4 (b) A person may not, for the person's own benefit and in bad faith, fail to
5 deliver to the party who entrusted the person with money under the circumstances
6 described in subsection (a) of this section as soon as the shipment of grain or other
7 merchandise is completed and the bill of lading is delivered to the purchaser:

8 (1) the draft or bill of exchange and other document required for
9 shipment of the cargo of grain or other merchandise; and

10 (2) any policy of insurance on the grain or other merchandise.

11 (c) A person who violates this section is guilty of a misdemeanor and on
12 conviction is subject to imprisonment [of at least 1 year and] not exceeding [10] 3
13 years or a fine [of at least \$500 and] not exceeding [\$5,000] \$3,000 or both.

14 (d) A person who violates this section is subject to § 5-106(b) of the Courts
15 Article.

16 7-203.

17 (a) Without the permission of the owner, a person may not enter or be on the
18 premises of another, and take and carry away from the premises or out of the custody
19 or use of the other, or the other's agent, or a governmental unit any property,
20 including:

21 (1) a vehicle;

22 (2) a motor vehicle;

23 (3) a vessel; or

24 (4) livestock.

25 (b) A person who violates this section is guilty of a misdemeanor and on
26 conviction:

27 (1) is subject to imprisonment of at least 6 months and not exceeding 4
28 years or a fine [of at least \$50 and] not exceeding [\$100] \$4,000 or both; and

29 (2) shall restore the property taken and carried away in violation of this
30 section or, if unable to restore the property, shall pay to the owner the full value of the
31 property.

32 (c) It is not a defense to this section that the person intends to hold or keep the
33 property for the person's present use and not with the intent of appropriating or
34 converting the property.

1 7-205.

2 (a) A person who leases or rents a motor vehicle under an agreement to return
3 the motor vehicle at the end of the leasing or rental period may not abandon the
4 motor vehicle or refuse or willfully neglect to return it.

5 (b) A person who violates this section is guilty of a misdemeanor and on
6 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
7 [\$500] \$1,000 or both.

8 7-302.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) "Access" means to instruct, communicate with, store data in, retrieve
11 or intercept data from, or otherwise use the resources of a computer program,
12 computer system, or computer network.

13 (3) (i) "Aggregate amount" means a direct loss of property or services
14 incurred by a victim.

15 (ii) "Aggregate amount" includes:

16 1. the value of any money, property, or service lost, stolen, or
17 rendered unrecoverable by the crime; or

18 2. any actual reasonable expenditure incurred by the victim
19 to verify whether a computer program, computer, computer system, or computer
20 network was altered, acquired, damaged, deleted, disrupted, or destroyed by access in
21 violation of this section.

22 (4) (i) "Computer" means an electronic, magnetic, optical, organic, or
23 other data processing device or system that performs logical, arithmetic, memory, or
24 storage functions.

25 (ii) "Computer" includes property, a data storage facility, or a
26 communications facility that is directly related to or operated with a computer.

27 (iii) "Computer" does not include an automated typewriter, a
28 typesetter, or a portable calculator.

29 (5) "Computer control language" means ordered statements that direct a
30 computer to perform specific functions.

31 (6) "Computer database" means a representation of information,
32 knowledge, facts, concepts, or instructions that:

33 (i) is intended for use in a computer, computer system, or computer
34 network; and

- 1 (ii) 1. is being prepared or has been prepared in a formalized
2 manner; or
- 3 2. is being produced or has been produced by a computer,
4 computer system, or computer network.
- 5 (7) "Computer network" means the interconnection of one or more
6 computers through:
- 7 (i) the use of a satellite, microwave, line, or other communication
8 medium; and
- 9 (ii) terminals or a complex consisting of two or more interconnected
10 computers regardless of whether the interconnection is continuously maintained.
- 11 (8) "Computer program" means an ordered set of instructions or
12 statements that may interact with related data and, when executed in a computer
13 system, causes a computer to perform specified functions.
- 14 (9) "Computer services" includes computer time, data processing, and
15 storage functions.
- 16 (10) "Computer software" means a computer program, instruction,
17 procedure, or associated document regarding the operation of a computer system.
- 18 (11) "Computer system" means one or more connected or unconnected
19 computers, peripheral devices, computer software, data, or computer programs.
- 20 (b) This section does not preclude the applicability of any other provision of
21 this Code.
- 22 (c) (1) A person may not intentionally, willfully, and without authorization
23 access, attempt to access, cause to be accessed, or exceed the person's authorized
24 access to all or part of a computer network, computer control language, computer,
25 computer software, computer system, computer services, or computer database.
- 26 (2) A person may not commit an act prohibited by paragraph (1) of this
27 subsection with the intent to:
- 28 (i) cause the malfunction or interrupt the operation of all or any
29 part of a computer, computer network, computer control language, computer
30 software, computer system, computer services, or computer data; or
- 31 (ii) alter, damage, or destroy all or any part of data or a computer
32 program stored, maintained, or produced by a computer, computer network, computer
33 software, computer system, computer services, or computer database.
- 34 (3) A person may not intentionally, willfully, and without authorization:
- 35 (i) possess, identify, or attempt to identify a valid access code; or

1 (ii) publicize or distribute a valid access code to an unauthorized
2 person.

3 (d) (1) A person who violates subsection (c)(1) of this section is guilty of a
4 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a
5 fine not exceeding [\$1,000] \$3,000 or both.

6 (2) A person who violates subsection (c)(2) or (3) of this section:

7 (i) if the aggregate amount of the loss is \$10,000 or more, is guilty
8 of a felony and on conviction is subject to imprisonment not exceeding 10 years or a
9 fine not exceeding \$10,000 or both; or

10 (ii) if the aggregate amount of the loss is less than \$10,000, is guilty
11 of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years
12 or a fine not exceeding \$5,000 or both.

13 (e) Access achieved in violation of this section under a single scheme or a
14 continuing course of conduct may be considered as one violation.

15 (f) A court of competent jurisdiction may try a person prosecuted under this
16 section in any county in this State where:

17 (1) the defendant performed the act; or

18 (2) the accessed computer is located.

19 8-106.

20 (a) A person who obtains property or services with a value of \$500 or more by
21 issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a felony
22 and on conviction is subject to imprisonment not exceeding 15 years or a fine not
23 exceeding [\$1,000] \$15,000 or both.

24 (b) A person who obtains property or services by issuing or passing more than
25 one check in violation of § 8-103 of this subtitle is guilty of a felony and on conviction
26 is subject to imprisonment not exceeding 15 years or a fine not exceeding \$1,000 or
27 both if:

28 (1) each check that is issued is for less than \$500 and is issued to the
29 same person within a 30-day period; and

30 (2) the cumulative value of the property or services is \$500 or more.

31 (c) A person who obtains property or services with a value of less than \$500 by
32 issuing or passing a check in violation of § 8-103 of this subtitle is guilty of a
33 misdemeanor and on conviction is subject to imprisonment not exceeding 18 months
34 or a fine not exceeding [\$100] \$1,000 or both.

1 8-204.

2 (a) (1) A person may not:

3 (i) take a credit card from another, or from the possession, custody,
4 or control of another without the consent of the cardholder; or

5 (ii) with knowledge that a credit card has been taken under the
6 circumstances described in item (i) of this paragraph, receive the credit card with the
7 intent to use it or sell or transfer it to another who is not the issuer or the cardholder.

8 (2) A person who violates this subsection is guilty of credit card theft.

9 (b) (1) A person may not receive a credit card that the person knows was
10 lost, mislaid, or delivered under a mistake as to the identity or address of the
11 cardholder and retain possession of the credit card with the intent to use, sell, or
12 transfer it to another who is not the issuer or the cardholder.

13 (2) A person who violates this subsection is guilty of credit card theft.

14 (c) A person may not:

15 (1) sell a credit card unless the person is the issuer; or

16 (2) buy a credit card from a person other than the issuer.

17 (d) A person other than the issuer may not receive a credit card that the
18 person knows was taken or retained under circumstances that constitute:

19 (1) credit card theft;

20 (2) a violation of § 8-203 of this subtitle; or

21 (3) a violation of subsection (c) of this section.

22 (e) A person who violates this section is guilty of a misdemeanor and on
23 conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding
24 [\$500] \$1,000 or both.

25 8-205.

26 (a) (1) In this section the following words have the meanings indicated.

27 (2) "Falsely emboss" means to complete a credit card without the
28 authorization of the issuer named on the credit card by adding any of the matter,
29 other than the signature of the cardholder, that the issuer requires to appear on a
30 credit card before it can be used by a cardholder.

31 (3) "Falsely make" means:

1 (i) to make or draw, wholly or partly, a device or instrument that
2 purports to be a credit card but that is not a credit card because an issuer did not
3 authorize the making or drawing; or

4 (ii) to alter a credit card that was validly issued.

5 (b) A person may not, with the intent to defraud another:

6 (1) falsely make a purported credit card;

7 (2) falsely emboss a credit card; or

8 (3) transfer or possess:

9 (i) a falsely made instrument or device that purports to be a credit
10 card, with knowledge that the instrument or device was falsely made; or

11 (ii) a falsely embossed credit card with knowledge that the credit
12 card was falsely made or falsely embossed.

13 (c) A person other than the cardholder or one authorized by the cardholder
14 may not sign a credit card with the intent to defraud another.

15 (d) A person who violates this section is guilty of the felony of credit card
16 counterfeiting and on conviction is subject to imprisonment not exceeding 15 years or
17 a fine not exceeding [\$1,000] \$15,000 or both.

18 8-206.

19 (a) A person may not for the purpose of obtaining money, goods, services, or
20 anything of value, and with the intent to defraud another, use:

21 (1) a credit card obtained or retained in violation of § 8-204 or § 8-205 of
22 this subtitle; or

23 (2) a credit card that the person knows is counterfeit.

24 (b) A person may not, with the intent to defraud another, obtain money, goods,
25 services, or anything of value by representing:

26 (1) without the consent of the cardholder, that the person is the holder of
27 a specified credit card; or

28 (2) that the person is the holder of a credit card when the credit card had
29 not been issued.

30 (c) (1) If the value of all money, goods, services, and other things of value
31 obtained in violation of this section exceeds \$500, a person who violates this section is
32 guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years
33 or a fine not exceeding [\$1,000] \$15,000 or both.

1 (2) If the value of all money, goods, services, and other things of value
2 obtained in violation of this section does not exceed \$500, a person who violates this
3 section is guilty of a misdemeanor and on conviction is subject to imprisonment not
4 exceeding 18 months or a fine not exceeding [\$500] \$1,000 or both.

5 8-207.

6 (a) If a person is authorized by an issuer to furnish money, goods, services, or
7 anything of value on presentation of a credit card by the cardholder, the person or an
8 agent or employee of the person may not, with the intent to defraud the issuer or
9 cardholder:

10 (1) furnish money, goods, services, or anything of value on presentation
11 of:

12 (i) a credit card obtained or retained in violation of § 8-204 or §
13 8-205 of this subtitle; or

14 (ii) a credit card that the person knows is counterfeit; or

15 (2) fail to furnish money, goods, services, or anything of value that the
16 person represents in writing to the issuer that the person has furnished.

17 (b) (1) If the value of all money, goods, services, and other things of value
18 furnished or not furnished in violation of this section exceeds \$500, a person who
19 violates this section is guilty of a felony and on conviction is subject to imprisonment
20 not exceeding 15 years or a fine not exceeding [\$1,000] \$15,000 or both.

21 (2) If the value of all money, goods, services, and other things of value
22 furnished or not furnished in violation of this section does not exceed \$500, a person
23 who violates this section is guilty of a misdemeanor and on conviction is subject to
24 imprisonment not exceeding 18 months or a fine not exceeding [\$500] \$1,000 or both.
25 8-208.

26 (a) In this section, "incomplete credit card" means a credit card that lacks any
27 stamped, embossed, imprinted, or written matter, other than the signature of the
28 cardholder, that an issuer requires to appear on a credit card before a cardholder can
29 use the credit card.

30 (b) (1) Without the consent of the issuer, a person other than the cardholder
31 may not possess an incomplete credit card with the intent to complete it.

32 (2) A person may not possess, with knowledge of its character,
33 machinery, plates, or any other contrivance designed to reproduce an instrument
34 purporting to be a credit card of an issuer that has not consented to the preparation of
35 the credit card.

1 (c) A person who violates this section is guilty of a felony and on conviction is
2 subject to imprisonment not exceeding 15 years or a fine not exceeding [\$1,000]
3 \$15,000 or both.

4 8-209.

5 (a) A person may not receive money, goods, services, or anything of value if the
6 person knows or believes that the money, goods, services, or other thing of value was
7 obtained in violation of § 8-206 of this subtitle.

8 (b) (1) If the value of all money, goods, services, and other things of value
9 obtained in violation of this section exceeds \$500, a person who violates this section is
10 guilty of a felony and on conviction is subject to imprisonment not exceeding 15 years
11 or a fine not exceeding [\$1,000] \$15,000 or both.

12 (2) If the value of all money, goods, services, and other things of value
13 obtained in violation of this section does not exceed \$500, a person who violates this
14 section is guilty of a misdemeanor and on conviction is subject to imprisonment not
15 exceeding 18 months or a fine not exceeding [\$500] \$1,000 or both.

16 8-210.

17 (a) In this section, "publish" means to communicate information to one or
18 more persons:

19 (1) orally:

20 (i) in person; or

21 (ii) by telephone, radio, or television; or

22 (2) in a writing of any kind.

23 (b) A person may not publish or cause to be published the number or code of an
24 existing, canceled, revoked, expired, or nonexistent telephone credit card, or the
25 numbering or coding system that is used in issuing telephone credit cards, with the
26 intent that the number, code, or system be used or with knowledge that it may be
27 used fraudulently to avoid paying a lawful toll charge.

28 (c) A person who violates this section is guilty of a misdemeanor and on
29 conviction is subject to imprisonment not exceeding 12 months or a fine not exceeding
30 [\$500] \$1,000 or both.

31 8-216.

32 A person who violates this part is guilty of a felony and on conviction is subject
33 to imprisonment not exceeding 15 years or a fine not exceeding [\$1,000] \$15,000 or
34 both.

1 8-408.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Direct loan agreement" means an agreement between a lender and a
4 borrower under which the lender advances funds under a loan secured by the motor
5 vehicle purchased by the borrower.

6 (3) (i) "Installment sale agreement" means a contract for the sale or
7 lease of a motor vehicle, negotiated or entered into in the State, under which:

8 1. part or all of the price is payable in one or more payments
9 after the contract is made; and

10 2. the seller takes collateral security or keeps a security
11 interest in the motor vehicle sold.

12 (ii) "Installment sale agreement" includes:

13 1. a prospective installment sale agreement;

14 2. a purchase money security agreement;

15 3. a contract for the bailment or leasing of a motor vehicle
16 under which the bailee or lessee contracts to pay as compensation a sum that is
17 substantially equal to or is more than the value of the motor vehicle; and

18 4. a renewal, extension, or refund agreement.

19 (4) "Lease contract" means a contract for or in contemplation of a lease
20 for the use of a motor vehicle, and the purchase of services incidental to the lease, for
21 a term of more than 4 months.

22 (5) "Lessor" means a person who leases a motor vehicle to another under
23 a lease contract.

24 (6) "Motor vehicle" means a vehicle for which an owner is required to
25 obtain a certificate of title under Title 13 of the Transportation Article.

26 (7) "Motor vehicle agreement" means a lease contract, direct loan
27 agreement, installment sale agreement, or security agreement.

28 (8) "Secured party" means a person who has a security interest in a
29 vehicle.

30 (9) "Security agreement" means a written agreement that reserves or
31 creates a security interest.

32 (10) (i) "Security interest" means an interest in a vehicle that is
33 reserved or created by agreement and that secures payment or performance of an
34 obligation.

1 (ii) "Security interest" includes the interest of a lessor under a lease
2 intended as security.

3 (11) (i) "Seller" means a person who sells or leases or agrees to
4 sell or lease a motor vehicle under an installment sale agreement.

5 (ii) "Seller" includes a present holder of an installment sale
6 agreement.

7 (b) A person may not engage in an act of unlawful subleasing of a motor
8 vehicle in which:

9 (1) the motor vehicle is subject to a motor vehicle agreement the terms of
10 which prohibit the transfer or assignment of a right or interest in the motor vehicle or
11 under the motor vehicle agreement without consent of the lessor or secured party;

12 (2) the person is not a party to the motor vehicle agreement;

13 (3) the person:

14 (i) transfers or assigns, or purports to transfer or assign, a right or
15 interest in the motor vehicle or under a motor vehicle agreement to a person who is
16 not a party to the motor vehicle agreement; or

17 (ii) assists, causes, negotiates, attempts to negotiate, or arranges
18 an actual or purported transfer of a right or interest in the motor vehicle or under a
19 motor vehicle agreement from a person, other than the lessor or secured party, who is
20 a party to the motor vehicle agreement;

21 (4) neither the person nor the party to the motor vehicle agreement
22 obtains written consent to the transfer or assignment from the lessor or secured party
23 before conducting the acts described in item (3) of this subsection; and

24 (5) the person receives or intends to receive a commission, compensation,
25 or other consideration for engaging in the acts described in item (3) of this subsection.

26 (c) (1) It is not an act of unlawful subleasing of a motor vehicle under this
27 section if the acts under subsection (b)(3) of this section are engaged in by a person
28 who is:

29 (i) a party to the motor vehicle agreement; or

30 (ii) a dealer or vehicle salesman licensed under Title 15 of the
31 Transportation Article and engaged in vehicle sales who assists, causes, or arranges a
32 transfer or assignment under the terms of an agreement for the purchase or lease of
33 another motor vehicle.

34 (2) Paragraph (1) of this subsection does not affect the enforceability of a
35 provision of a motor vehicle agreement by a party to the agreement.

1 (3) A party to a motor vehicle agreement may not be prosecuted under
2 this section as an accessory to the act of unlawful subleasing of the motor vehicle that
3 is subject to the motor vehicle agreement.

4 (d) A person who violates this section is guilty of a misdemeanor and on
5 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
6 [\$5,000] \$3,000 or both.

7 8-503.

8 (a) This section applies to money, property, food stamps, or other assistance
9 that is provided under a social or nutritional program based on need that is:

10 (1) financed wholly or partly by the State; and

11 (2) administered by the State or a political subdivision of the State.

12 (b) By fraud, a person may not obtain, attempt to obtain, or help another
13 person to obtain or attempt to obtain, money, property, food stamps, or other
14 assistance to which the person is not entitled.

15 (c) A person who violates this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
17 [\$1,000] \$3,000 or both.

18 (d) (1) A person who is convicted of a violation of this section shall make full
19 restitution of the money or the value of the property, food stamps, or other assistance
20 obtained by the person in violation of this section.

21 (2) Full restitution under paragraph (1) of this subsection shall be made
22 after the person has received notice and has been given the opportunity to be heard as
23 to the amount of payment and how it is to be made.

24 8-601.

25 (a) A person, with intent to defraud another, may not counterfeit, cause to be
26 counterfeited, or willingly aid or assist in counterfeiting any:

27 (1) bond;

28 (2) deed;

29 (3) draft;

30 (4) endorsement or assignment of a bond, draft, or promissory note;

31 (5) entry in an account book or ledger;

32 (6) power of attorney;

33 (7) promissory note;

- 1 (8) release or discharge for money or property;
2 (9) title to a motor vehicle;
3 (10) waiver or release of mechanics' lien; or
4 (11) will or codicil.

5 (b) A person who violates this section is guilty of a felony and on conviction is
6 subject to imprisonment not exceeding 10 years or a fine not exceeding [\$1,000]
7 \$10,000 or both.

8 8-602.

9 (a) A person, with intent to defraud another, may not issue or publish as true
10 a counterfeit instrument or document listed in § 8-601 of this subtitle.

11 (b) A person who violates this section is guilty of a felony and on conviction is
12 subject to imprisonment not exceeding 10 years or a fine not exceeding [\$1,000]
13 \$10,000 or both.

14 8-603.

15 (a) A person may not knowingly possess, with unlawful intent, a counterfeit
16 title to a motor vehicle.

17 (b) A person who violates this section is guilty of a misdemeanor and on
18 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
19 [\$1,000] \$3,000 or both.

20 8-604.

21 (a) A person may not knowingly possess, with unlawful intent, or issue
22 counterfeit United States currency.

23 (b) A person who violates this section is guilty of a misdemeanor and on
24 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
25 [\$1,000] \$3,000 or both.

26 8-605.

27 (a) (1) A person, with intent to defraud another, may not counterfeit, or
28 cause to be counterfeited, or willingly aid or assist in counterfeiting:

29 (i) a commission, patent, or pardon; or

30 (ii) a warrant, certificate, or other public security from which
31 money may be drawn from the treasury of the State.

1 (2) A person, with intent to defraud another, may not print, write, sign,
2 or pass a counterfeit warrant, certificate, or public security if the person knows that
3 it was counterfeited.

4 (b) A person who violates this section is guilty of a felony and on conviction is
5 subject to imprisonment for not less than 2 years and not exceeding 10 years OR A
6 FINE NOT EXCEEDING \$10,000 OR BOTH.

7 8-606.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) "Access" means to instruct, communicate with, store data in, or
10 retrieve data from, or otherwise use equipment including computers and other data
11 processing equipment or resources connected with computers or other data processing
12 equipment.

13 (3) "Public record" includes an official book, paper, or record, kept on a
14 manual or automated basis, that is created, received, or used by a unit of:

15 (i) the State;

16 (ii) a political subdivision of the State; or

17 (iii) a multicounty agency.

18 (b) A person may not or may not attempt to:

19 (1) willfully make a false entry in a public record;

20 (2) except under proper authority, willfully alter, deface, destroy, remove,
21 or conceal a public record; or

22 (3) except under proper authority, willfully and intentionally access a
23 public record.

24 (c) A person who violates this section is guilty of a misdemeanor and on
25 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
26 [\$1,000] \$3,000 or both.

27 8-607.

28 (a) In this section, "public seal" means:

29 (1) the great seal of the State;

30 (2) the seal of any court of the State; or

31 (3) any other public seal of the State.

32 (b) A person may not:

- 1 (1) counterfeit and use a public seal;
- 2 (2) steal a public seal;
- 3 (3) unlawfully and falsely, or with evil intent, affix a public seal to a
4 deed, warrant, or writing; or
- 5 (4) have and willfully conceal a counterfeit public seal, if the person
6 knows that it was counterfeit.

7 (c) A person who violates this section is guilty of a misdemeanor and on
8 conviction is subject to imprisonment for not less than 2 years and not exceeding 10
9 years OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

10 (d) A person who violates this section is subject to § 5-106(b) of the Courts
11 Article.
12 8-608.

13 (a) A person may not:

- 14 (1) counterfeit the stamp of the Comptroller;
- 15 (2) unlawfully use or steal the stamp of the Comptroller;
- 16 (3) unlawfully and falsely, or with evil intent, affix the stamp of the
17 Comptroller to any written instrument; or
- 18 (4) have and willfully conceal a counterfeit stamp of the Comptroller, if
19 the person knows that it was counterfeit.

20 (b) A person who violates this section is guilty of a misdemeanor and on
21 conviction is subject to imprisonment for not less than 2 years and not exceeding 10
22 years OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

23 (c) A person who violates this section is subject to § 5-106(b) of the Courts
24 Article.
25 8-609.

26 (a) In this section, "order for money or goods" means any writing, ordering, or
27 requesting for the payment of money or the delivery of goods.

28 (b) A person may not:

- 29 (1) with intent to defraud another, cause or procure to be counterfeited,
30 or willingly aid or assist in counterfeiting an order for money or goods;
- 31 (2) with intent to defraud another, issue, publish, or pass a counterfeit
32 order for money or goods, if the person knows it was counterfeit; or

1 (3) knowingly and fraudulently obtain money or goods by means of a
2 counterfeit order for money or goods.

3 (c) A person who violates this section is guilty of a felony and on
4 conviction is subject to imprisonment for not less than 2 years and not exceeding 10
5 years OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

6 8-612.

7 (a) In this section, "token" means a ticket, coupon, coin, disc, slug, or any other
8 thing that:

9 (1) is evidence of the right of an individual to enter, leave, ride on, or
10 pass through or over any thing or place for which a fee is charged, including a
11 building, ground, public conveyance, vessel, or bridge; and

12 (2) is intended or designed to be inserted into a box or machine for the
13 collection of fees or given to a collector.

14 (b) (1) A person may not counterfeit or issue, or cause to be counterfeited or
15 issued, or aid or assist in counterfeiting or issuing a token without the permission of
16 the person who lawfully issues, sells, or gives away the token.

17 (2) A person may not issue or pass a token if the person knows that it
18 was:

19 (i) counterfeited; or

20 (ii) issued without the permission of the person who lawfully
21 issues, sells, or gives away the token.

22 (c) A person who violates this section is guilty of a misdemeanor and on
23 conviction is subject to imprisonment not exceeding 1 year OR A FINE NOT
24 EXCEEDING \$1,000 OR BOTH.

25 8-702.

26 (a) Unless the maker of a will gives instruction to the person keeping the will
27 for safe custody, a person who receives a will for safe custody may not:

28 (1) destroy the will; or

29 (2) after the person learns of the death of the maker, willfully hide the
30 will for a period of 6 months.

31 (b) A person who violates this section is guilty of a misdemeanor and on
32 conviction is subject to imprisonment for not less than 18 months and not exceeding
33 15 years OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

34 (c) A person who violates this section is subject to § 5-106(b) of the Courts
35 Article.

1 8-802.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Drug" means a drug, medicine, or a medicinal or chemical
4 preparation for internal human consumption.

5 (3) "Prepare" means to make, mix, manufacture, or compound.

6 (b) A person who is engaged in the business of preparing or dispensing a drug
7 for internal human consumption may not prepare, dispense, sell, or deliver the drug
8 to a person directly or through an agent or employee if:

9 (1) ethyl alcohol is usually used to prepare the drug; and

10 (2) the preparer, or the preparer's agent or employee, in any manner
11 uses or substitutes methyl alcohol for ethyl alcohol, or puts methyl alcohol into the
12 drug.

13 (c) A person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to imprisonment for not less than 3 months and not exceeding 1
15 year or a fine [of not less than \$100 and] not exceeding [\$500] \$1,000 or both.

16 9-101.

17 (a) A person may not willfully and falsely make an oath or affirmation:

18 (1) if the false swearing is perjury at common law;

19 (2) in an affidavit required by law;

20 (3) in an affidavit made to induce a court or officer to pass an account or
21 claim;

22 (4) in an affidavit required as part of a report and return made to the
23 General Assembly or an officer of the government; or

24 (5) in an affidavit or affirmation made under the Maryland Rules.

25 (b) A person who violates this section is guilty of the misdemeanor of perjury
26 and on conviction is subject to imprisonment not exceeding 10 years OR A FINE NOT
27 EXCEEDING \$10,000 OR BOTH.

28 (c) If a person makes an oath or affirmation to two contradictory statements,
29 each of which, if false, is prohibited by subsection (a) of this section, it is sufficient for
30 purposes of indictment to allege, and for conviction to prove, that one of the
31 statements is willfully false without specifying which one.

32 (d) A person who violates this section is subject to § 5-106(b) of the Courts
33 Article.

1 9-102.

2 (a) A person may not procure another to commit perjury as prohibited by §
3 9-101 of this subtitle.

4 (b) A person who violates this section is guilty of the misdemeanor of
5 subornation of perjury and on conviction is subject to imprisonment not exceeding 10
6 years OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

7 (c) A person who violates this section is subject to § 5-106(b) of the Courts
8 Article.

9 9-412.

10 (a) A person may not:

11 (1) deliver any contraband to a person detained or confined in a place of
12 confinement; or

13 (2) possess any contraband with intent to deliver it to a person detained
14 or confined in a place of confinement.

15 (b) A person who violates this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
17 [\$1,000] \$3,000 or both.

18 9-413.

19 (a) (1) A person may not deliver contraband to a person detained or confined
20 in a place of confinement with the intent to effect an escape.

21 (2) A person may not possess contraband with the intent to deliver it to a
22 person detained or confined in a place of confinement to effect an escape.

23 (3) A person may not deposit or conceal any contraband in or about a
24 place of confinement or on any land appurtenant to the place of confinement to effect
25 an escape.

26 (4) A person detained or confined in a place of confinement may not
27 receive contraband to effect an escape.

28 (b) A person who violates this section is guilty of a felony and on conviction is
29 subject to imprisonment not exceeding 10 years or a fine not exceeding [\$5,000]
30 \$10,000 or both.

31 9-414.

32 (a) (1) A person may not deliver a weapon to a person detained or confined
33 in a place of confinement.

1 (2) A person may not possess a weapon with the intent to deliver it to a
2 person detained or confined in a place of confinement.

3 (3) A person may not deposit or conceal a weapon in or about a place of
4 confinement or on any land appurtenant to the place of confinement to effect an
5 escape.

6 (4) A person detained or confined in a place of confinement may not
7 receive a weapon.

8 (b) A person who violates this section is guilty of a felony and on conviction is
9 subject to imprisonment not exceeding 10 years or a fine not exceeding [\$5,000]
10 \$10,000 or both.

11 9-415.

12 (a) This section does not apply to an alcoholic beverage delivered or possessed
13 in a manner authorized by the managing official.

14 (b) A person may not:

15 (1) deliver an alcoholic beverage to a person detained or confined in a
16 place of confinement; or

17 (2) possess an alcoholic beverage with the intent to deliver it to a person
18 detained or confined in a place of confinement.

19 (c) A person who violates this section is guilty of a misdemeanor and on
20 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
21 [\$1,000] \$3,000 or both.

22 9-416.

23 (a) A person may not:

24 (1) deliver a controlled dangerous substance to a person detained or
25 confined in a place of confinement; or

26 (2) possess a controlled dangerous substance with the intent to deliver it
27 to a person detained or confined in a place of confinement.

28 (b) A person who violates this section is guilty of a misdemeanor and on
29 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
30 [\$1,000] \$3,000 or both.

31 10-404.

32 (a) A person may not willfully destroy, damage, deface, or remove:

33 (1) a funerary object or another structure placed in a cemetery; or

1 (2) a building, wall, fence, railing, or other work, for the use, protection,
2 or ornamentation of a cemetery.

3 (b) A person may not willfully destroy, damage, or remove a tree, plant, or
4 shrub in a cemetery.

5 (c) A person may not engage in indecent or disorderly conduct in a cemetery.

6 (d) A person who violates this section is guilty of a misdemeanor and on
7 conviction is subject to:

8 (1) for a violation of subsection (a) of this section, imprisonment not
9 exceeding 5 years or a fine not exceeding \$10,000 or both; and

10 (2) for a violation of subsection (b) or (c) of this section, imprisonment not
11 exceeding 2 years or a fine not exceeding [\$500] \$2,000 or both.

12 (e) This section does not prohibit the removal of human remains or a funerary
13 object from an abandoned cemetery if:

14 (1) the removal is authorized in writing by the State's Attorney of the
15 county in which the cemetery containing the human remains or funerary object is
16 located; and

17 (2) the human remains or funerary object are placed in an accessible
18 place in a permanent cemetery.

19 11-107.

20 A person convicted of indecent exposure is guilty of a misdemeanor and is
21 subject to imprisonment not exceeding 3 years or a fine not exceeding [\$1,000] \$3,000
22 or both.

23 11-202.

24 (a) A person may not:

25 (1) knowingly send or cause to be sent any obscene matter into the State
26 for sale or distribution;

27 (2) knowingly bring or cause to be brought any obscene matter into the
28 State for sale or distribution;

29 (3) in the State prepare, publish, print, exhibit, distribute, or offer to
30 distribute any obscene matter; or

31 (4) possess any obscene matter in the State with the intent to distribute,
32 offer to distribute, or exhibit.

33 (b) A person who violates this section is guilty of a misdemeanor and on
34 conviction is subject to:

1 (1) for a first violation, imprisonment not exceeding 1 year or a fine not
2 exceeding \$1,000 or both; and

3 (2) for each subsequent violation, imprisonment not exceeding 3 years or
4 a fine not exceeding [\$5,000] \$3,000 or both.

5 (c) (1) The State's Attorney may maintain an action for an injunction in the
6 circuit court against a person to prevent the sale, further sale, distribution, further
7 distribution, acquisition, publication, or possession within the State of any book,
8 magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing,
9 photograph, motion picture film or showing, or any article or instrument the use of
10 which is obscene.

11 (2) The circuit court may enjoin the sale or distribution of a book,
12 magazine, motion picture film or showing, or other publication or item that is
13 prohibited under this section from sale or distribution.

14 (3) After being served a summons and complaint in an action by the
15 State's Attorney under this section, a person who sells, distributes, or acquires the
16 enjoined material is chargeable with knowledge of the contents of the materials
17 described in this section.

18 (4) The defendant is entitled to a trial of the issues within 1 day after
19 joinder of issue.

20 (5) The court shall render a decision within 2 days after the conclusion of
21 the trial.

22 (6) If an order or judgment is entered in favor of the State's Attorney, the
23 final order or judgment shall contain provisions:

24 (i) directing the person to surrender the obscene matter to the
25 peace officer designated by the court or the county sheriff; and

26 (ii) directing the peace officer or county sheriff to seize and destroy
27 the obscene matter.

28 (7) In an action brought under this section, the State's Attorney is not:

29 (i) required to file a bond before an injunction order is issued;

30 (ii) liable for costs; or

31 (iii) liable for damages sustained because of the injunction order if
32 judgment is rendered in favor of the defendant.

33 11-205.

34 (a) A person may not knowingly:

1 (1) write or create advertising or otherwise promote the sale or
2 distribution of matter the person represents or holds out to be obscene; or

3 (2) solicit the publication of advertising that promotes the sale or
4 distribution of matter the person represents or holds out to be obscene.

5 (b) A person who violates this section is guilty of a misdemeanor and on
6 conviction is subject to:

7 (1) for a first violation, imprisonment not exceeding 1 year or a fine not
8 exceeding \$1,000 or both; and

9 (2) for each subsequent violation, imprisonment not exceeding 3 years or
10 a fine not exceeding [~~\$5,000~~]~~\$3,000~~ or both.

11 11-306.

12 (a) A person may not knowingly:

13 (1) engage in prostitution or assignation by any means;

14 (2) keep, set up, occupy, maintain, or operate a building, structure, or
15 conveyance for prostitution or assignation;

16 (3) allow a building, structure, or conveyance owned or under the
17 person's control to be used for prostitution or assignation;

18 (4) allow or agree to allow a person into a building, structure, or
19 conveyance for prostitution or assignation; or

20 (5) procure or solicit or offer to procure or solicit for prostitution or
21 assignation.

22 (b) A person who violates this section is guilty of a misdemeanor and on
23 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
24 [~~\$500~~] ~~\$1,000~~ or both.

25 12-102.

26 (a) A person may not:

27 (1) bet, wager, or gamble;

28 (2) make or sell a book or pool on the result of a race, contest, or
29 contingency;

30 (3) establish, keep, rent, use, or occupy, or knowingly allow to be
31 established, kept, rented, used, or occupied, all or a part of a building, vessel, or place,
32 on land or water, within the State, for the purpose of:

33 (i) betting, wagering, or gambling; or

1 (ii) making, selling, or buying books or pools on the result of a race,
2 contest, or contingency; or

3 (4) receive, become the depository of, record, register, or forward, or
4 propose, agree, or pretend to forward, money or any other thing or consideration of
5 value, to be bet, wagered, or gambled on the result of a race, contest, or contingency.

6 (b) A person who violates this section is guilty of a misdemeanor and on
7 conviction is subject to imprisonment for not less than 6 months and not exceeding 1
8 year or a fine [of not less than \$200 and] not exceeding \$1,000 or both.

9 12-103.

10 (a) For money or any other thing or consideration of value, a person may not
11 play:

12 (1) the game called "thimbles";

13 (2) the game called "little joker";

14 (3) dice or the game commonly called "crap"; or

15 (4) any other gaming device or fraudulent trick.

16 (b) A person who violates this section is guilty of a misdemeanor and on
17 conviction is subject to imprisonment for not less than 6 months and not exceeding 2
18 years or a fine not exceeding [\$100] \$2,000 or both.

19 12-104.

20 (a) A person may not:

21 (1) keep a gaming device, or all or a part of a building, vessel, or place, on
22 land or water within the State for the purpose of gambling;

23 (2) own, rent, or occupy all or a part of a building, vessel, or place and
24 knowingly allow a gaming device to be kept in the building, vessel, or place;

25 (3) lease or rent all or a part of a building, vessel, or place to be used for
26 the purpose of gambling;

27 (4) deal at a gaming device or in a building, vessel, or place for gambling;

28 (5) manage a gaming device or a building, vessel, or place for gambling;

29 or

30 (6) have an interest in a gaming device or the profits of a gaming device.

31 (b) A person who violates this section is guilty of a misdemeanor and on
32 conviction is subject to imprisonment for not less than 6 months and not exceeding 1
33 year or a fine not exceeding [\$500] \$1,000 or both.

1 12-105.

2 (a) This section:

3 (1) applies notwithstanding the issuance of a license or permit through
4 or by a county, municipal corporation, or other political subdivision of the State; and

5 (2) does not authorize an act that is otherwise prohibited by law.

6 (b) A person may not bet, wager, or gamble or keep, conduct, maintain, or
7 operate a gaming device on:

8 (1) a vessel or a part of a vessel on water within the State, except as
9 provided in § 6-209 of the Transportation Article; or

10 (2) all or a part of a building or other structure that is built on or over
11 water within the State, if the building or other structure cannot be entered from the
12 shore of the State by a person on foot.

13 (c) To conduct, maintain, or operate a gaming device, a person may not
14 establish, keep, rent, use, or occupy, or knowingly allow to be established, kept,
15 rented, used, or occupied:

16 (1) a vessel on water within the State; or

17 (2) a building or other structure that is built on or over water within the
18 State, if the building or other structure cannot be entered from the shore of the State
19 by a person on foot.

20 (d) A person who violates this section is guilty of a misdemeanor and on
21 conviction is subject to imprisonment not exceeding 1 year or a fine [of not less than
22 \$200 and] not exceeding \$1,000 or both for each violation.

23 **Article - Family Law**

24 9-307.

25 (a) A person who violates any provision of § 9-304 of this subtitle is guilty of a
26 misdemeanor and on conviction is subject to a fine not exceeding [\$250] \$500 or
27 imprisonment not exceeding 30 days OR BOTH.

28 (b) If the child is out of the custody of the lawful custodian for not more than
29 30 days, a person who violates any provision of § 9-305(a) of this subtitle is guilty of
30 a felony and on conviction is subject to a fine not exceeding [\$250] \$500 or
31 imprisonment not exceeding 30 days, or both.

32 (c) If the child is out of the custody of the lawful custodian for more than 30
33 days, a person who violates any provision of § 9-305(a) of this subtitle is guilty of a
34 felony and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not
35 exceeding 1 year, or both.

1 (d) A person who violates any provision of § 9-305(b) of this subtitle is guilty of
2 a felony and on conviction is subject to a fine not exceeding \$5,000 or imprisonment
3 not exceeding 3 years or both.

4 10-203.

5 (a) A parent may not willfully fail to provide for the support of his or her minor
6 child.

7 (b) A parent may not desert his or her minor child.

8 (c) An individual who violates this section is guilty of a misdemeanor and on
9 conviction is subject to a fine not exceeding [100] \$3,000 or imprisonment not
10 exceeding 3 years or both.

11 **Article - State Finance and Procurement**

12 2-305.

13 (a) A person may not use, with intent to defraud, on a public security or an
14 instrument of payment:

15 (1) a facsimile signature, or any reproduction of it, of any authorized
16 officer; or

17 (2) a facsimile seal, or any reproduction of it, of the State or of any of its
18 political subdivisions.

19 (b) A person who violates any provision of this section is guilty of a felony and
20 on conviction is subject to a fine not exceeding [\$5,000] \$10,000 or imprisonment not
21 exceeding 10 years or both.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

24 **Article 33 - Election Code**

25 16-202.

26 (a) A person who has been convicted of an infamous crime, and has been
27 rendered ineligible to vote pursuant to § 3-102(b) of this article, may not vote or
28 attempt to vote during the time that the person is rendered ineligible to vote.

29 (b) A person who violates this section is guilty of a felony and is subject to
30 imprisonment in the penitentiary for not less than 1 year nor more than 5 years OR A
31 FINE NOT EXCEEDING \$5,000 OR BOTH.

1 16-302.

2 (a) A person may not fraudulently tamper with election records of any kind,
3 whether on paper or in any other medium.

4 (b) A person who violates this section is guilty of a felony and is subject to
5 imprisonment in the penitentiary for not less than 1 year nor more than 5 years OR A
6 FINE NOT EXCEEDING \$5,000 OR BOTH.

7 16-304.

8 (a) In a polling place on election day, an election judge may not willfully and
9 knowingly:

10 (1) Permit a ballot or ballots to be placed into a ballot box prior to the
11 time for voting; or

12 (2) Place a ballot in a ballot box unless the ballot is offered by a properly
13 registered voter.

14 (b) A person may not:

15 (1) Cause or permit a vote to be cast or a ballot to be deposited in a ballot
16 box or a voting device, other than by a person properly qualified to cast a ballot; or

17 (2) Substitute, alter, add, or remove a voted ballot from a ballot box or a
18 voting device, except when instructed to do so by the election director.

19 (c) A person who violates this section is guilty of a felony and is subject to
20 imprisonment in the penitentiary for not less than 1 year nor more than 5 years OR A
21 FINE NOT EXCEEDING \$5,000 OR BOTH.

22 16-601.

23 (a) An election judge or other election official may not willfully and knowingly:

24 (1) Make, sign, publish, or deliver a false certificate or statement of the
25 result of the election or any other false report of any kind; or

26 (2) Deface, destroy, or conceal any statement, tally, certificate, or other
27 document entrusted to the official's care and custody.

28 (b) A person who violates this section is guilty of a felony and is subject to
29 imprisonment in the penitentiary for not less than 1 year nor more than 10 years OR
30 A FINE NOT EXCEEDING \$10,000 OR BOTH.

31 16-801.

32 (a) A person may not willfully:

1 (1) Conceal, damage, or destroy voting equipment used or intended to be
2 used on the day of election; or

3 (2) Remove voting equipment from the custody of the election judges or
4 other election officials.

5 (b) A person who violates this section is guilty of a felony and is subject to
6 imprisonment in the penitentiary for not less than 1 year nor more than 5 years OR A
7 FINE NOT EXCEEDING \$5,000 OR BOTH.

8 16-804.

9 (a) When an electronic voting system is used, a person may not willfully and
10 knowingly:

11 (1) Access the system unless authorized to do so by the appropriate
12 election authority; or

13 (2) Tamper with or alter the hardware, system components, or software
14 utilized by the voting system, for the purpose of affecting the vote count.

15 (b) A person who violates this section is guilty of a felony and shall be subject
16 to a fine of not more than [\$50,000] \$10,000 or imprisonment for not more than 10
17 years or both.

18 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
19 read as follows:

20 **Article - Election Law**

21 16-202.

22 (a) A person who has been convicted of an infamous crime, and has been
23 rendered ineligible to vote pursuant to § 3-102(b) of this article, may not vote or
24 attempt to vote during the time that the person is rendered ineligible to vote.

25 (b) A person who violates this section is guilty of a felony and is subject to
26 imprisonment for not less than 1 year nor more than 5 years OR A FINE NOT
27 EXCEEDING \$5,000 OR BOTH.

28 16-302.

29 (a) A person may not fraudulently tamper with election records of any kind,
30 whether on paper or in any other medium.

31 (b) A person who violates this section is guilty of a felony and is subject to
32 imprisonment for not less than 1 year nor more than 5 years OR A FINE NOT
33 EXCEEDING \$5,000 OR BOTH.

1 16-304.

2 (a) In a polling place on election day, an election judge may not willfully and
3 knowingly:

4 (1) Permit a ballot or ballots to be placed into a ballot box prior to the
5 time for voting; or

6 (2) Place a ballot in a ballot box unless the ballot is offered by a properly
7 registered voter.

8 (b) A person may not:

9 (1) Cause or permit a vote to be cast or a ballot to be deposited in a ballot
10 box or a voting device, other than by a person properly qualified to cast a ballot; or

11 (2) Substitute, alter, add, or remove a voted ballot from a ballot box or a
12 voting device, except when instructed to do so by the election director.

13 (c) A person who violates this section is guilty of a felony and is subject to
14 imprisonment for not less than 1 year nor more than 5 years OR A FINE NOT
15 EXCEEDING \$5,000 OR BOTH.

16 16-601.

17 (a) An election judge or other election official may not willfully and knowingly:

18 (1) Make, sign, publish, or deliver a false certificate or statement of the
19 result of the election or any other false report of any kind; or

20 (2) Deface, destroy, or conceal any statement, tally, certificate, or other
21 document entrusted to the official's care and custody.

22 (b) A person who violates this section is guilty of a felony and is subject to
23 imprisonment for not less than 1 year not more than 10 years OR A FINE NOT
24 EXCEEDING \$10,000 OR BOTH.

25 16-801.

26 (a) A person may not willfully:

27 (1) Conceal, damage, or destroy voting equipment used or intended to be
28 used on the day of election; or

29 (2) Remove voting equipment from the custody of the election judges or
30 other election officials.

31 (b) A person who violates this section is guilty of a felony and is subject to
32 imprisonment for not less than 1 year nor more than 5 years OR A FINE NOT
33 EXCEEDING \$5,000 OR BOTH.

1 16-804.

2 (a) When an electronic voting system is used, a person may not willfully and
3 knowingly:

4 (1) Access the system unless authorized to do so by the appropriate
5 election authority; or

6 (2) Tamper with or alter the hardware, system components, or software
7 utilized by the voting system, for the purpose of affecting the vote count.

8 (b) A person who violates this section is guilty of a felony and shall be subject
9 to a fine of not more than [\$50,000] \$10,000 or imprisonment for not more than 10
10 years or both.

11 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
12 take effect October 1, 2002. It shall remain effective until the taking effect of Section
13 3 of this Act. If Section 3 takes effect, Section 2 of this Act shall be abrogated and of no
14 further force and effect.

15 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
16 take effect January 1, 2003, the effective date of Chapter _____ (S.B. 1) of the Acts of
17 the General Assembly of 2002. If the effective date of Chapter _____ (S.B. 1) is
18 amended, Section 3 of this Act shall take effect on the taking effect of Chapter _____
19 (S.B. 1).

20 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
21 of Sections 4 and 5 of this Act, this Act shall take effect October 1, 2003.