

SENATE BILL 760

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2002 Regular Session
2r1870
CF 2r1871

By: **Senators Stone and Hughes (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 1, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Penalties**

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

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 449(e)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2001 Supplement)

12 BY adding to
13 Article 27 - Crimes and Punishments
14 Section 449(g)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Business Regulation
19 Section 11-1002
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2001 Supplement)
22 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
23 2002)

24 BY repealing and reenacting, with amendments,
25 Article - Criminal Law
26 Section 2-204, 2-207, 2-209, 2-503, 2-505, 2-506, 3-213, 3-321, 3-705, 3-706,
27 5-619(e)(4), 5-702, 6-302, 6-502, 7-113, 7-114, 7-116, 8-610, 8-702,
28 8-802, 9-201, 9-202, 9-204, 9-205, 9-302, 9-303, 9-305, 9-306, 10-502,

1 10-606, 10-620, 11-208, 12-102, 12-103, 12-104, 12-109, and 12-203
2 Annotated Code of Maryland
3 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
4 2002)

5 BY adding to
6 Article - Criminal Law
7 Section 9-801 through 9-804, inclusive, to be under the new subtitle "Subtitle 8.
8 Common Law Penalties"
9 Annotated Code of Maryland
10 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
11 2002)

12 BY repealing and reenacting, with amendments,
13 Article - Environment
14 Section 7-265 and 9-343
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Health - General
19 Section 18-601 and 18-601.1
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2001 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Transportation
24 Section 5-1008
25 Annotated Code of Maryland
26 (2001 Replacement Volume)

27 BY repealing and reenacting, with amendments,
28 Article - Transportation
29 Section 27-101(p)
30 Annotated Code of Maryland
31 (1999 Replacement Volume and 2001 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article 33 - Election Code
34 Section 16-202, 16-302, 16-304, 16-601, 16-801, and 16-804
35 Annotated Code of Maryland
36 (1997 Replacement Volume and 2001 Supplement)

37 BY repealing and reenacting, with amendments,

1 Article - Election Law
2 Section 16-202, 16-302, 16-304, 16-601, 16-801, and 16-804
3 Annotated Code of Maryland
4 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2002)

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

7 **Article 27 - Crimes and Punishments**

8 449.

9 (e) (1) A person who was previously convicted of a crime of violence as
10 defined in § 441(e) of this article or convicted of a violation of § 286 or § 286A of this
11 article, and who is in illegal possession of a firearm as defined in § 445(d)(1)(i) and (ii)
12 of this article, is guilty of a felony and upon conviction shall be imprisoned for not less
13 than 5 years AND NOT EXCEEDING 10 YEARS, no part of which may be suspended and
14 the person may not be eligible for parole. Each violation shall be considered a
15 separate offense.

16 (2) IN ADDITION TO THE TERM OF IMPRISONMENT REQUIRED UNDER
17 PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO IS CONVICTED OF A CRIME
18 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS SUBJECT TO A FINE NOT
19 EXCEEDING \$10,000.

20 (G) A PERSON WHO VIOLATES § 444 OF THIS SUBHEADING IS GUILTY OF A
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
22 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

23 **Article - Business Regulation**

24 11-1002.

25 (a) A person knowingly may not enter or race a horse in a running or harness
26 race under a name or designation other than that registered with the Jockey Club or
27 the United States Trotting Association.

28 (b) A person who violates this section is guilty of a [misdemeanor] FELONY
29 and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not
30 exceeding [\$5,000] \$50,000 or both.

31 **Article - Criminal Law**

32 2-204.

33 (a) A murder that is not in the first degree under § 2-201 of this subtitle is in
34 the second degree.

1 (b) A person who commits a murder in the second degree is guilty of a felony
2 and on conviction is subject to imprisonment not exceeding [30] 40 years.

3 2-207.

4 (a) A person who commits manslaughter is guilty of a felony and on conviction
5 is subject to[:

6 (1) imprisonment not exceeding [10] 15 years[; or

7 (2) imprisonment in a local correctional facility not exceeding 2 years] or
8 a fine not exceeding [\$500] \$15,000 or both.

9 (b) The discovery of one's spouse engaged in sexual intercourse with another
10 does not constitute legally adequate provocation for the purpose of mitigating a
11 killing from the crime of murder to voluntary manslaughter even though the killing
12 was provoked by that discovery.

13 2-209.

14 (a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive,
15 engine, and train.

16 (b) A person may not cause the death of another as a result of the person's
17 driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

18 (c) A violation of this section is manslaughter by vehicle or vessel.

19 (d) A person who violates this section is guilty of a felony and on conviction is
20 subject to imprisonment not exceeding [10] 15 years or a fine not exceeding [\$5,000]
21 \$15,000 or both.

22 (1) An indictment or other charging document for manslaughter by
23 vehicle or vessel is sufficient if it substantially states: "(name of defendant) on (date)
24 in (county) killed (name of victim) in a grossly negligent manner against the peace,
25 government, and dignity of the State."

26 (2) An indictment or other charging document for manslaughter by
27 vehicle or vessel need not set forth the manner or means of death.

28 2-503.

29 (a) A person may not cause the death of another as a result of the person's
30 negligently driving, operating, or controlling a motor vehicle or vessel while:

31 (1) under the influence of alcohol; or

32 (2) under the influence of alcohol per se.

33 (b) A violation of this section is:

1 (1) homicide by motor vehicle or vessel while under the influence of
2 alcohol; or

3 (2) homicide by motor vehicle or vessel while under the influence of
4 alcohol per se.

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

8 2-505.

9 (a) A person may not cause the death of another person as a result of the
10 person's negligently driving, operating, or controlling a motor vehicle or vessel while
11 the person is so far impaired by a drug, a combination of drugs, or a combination of
12 one or more drugs and alcohol that the person cannot drive, operate, or control a
13 motor vehicle or vessel safely.

14 (b) A violation of this section is homicide by motor vehicle or vessel while
15 impaired by drugs.

16 (c) A person who violates this section is guilty of a felony and on conviction is
17 subject to imprisonment not exceeding [3] 5 years or a fine not exceeding \$5,000 or
18 both.

19 (d) It is not a defense to a charge of violating this section that the person is or
20 was entitled under the laws of this State to use a drug, combination of drugs, or
21 combination of one or more drugs and alcohol, unless the person was unaware that
22 the drug, combination of drugs, or combination of one or more drugs and alcohol
23 would make the person incapable of driving, operating, or controlling a motor vehicle
24 or vessel in a safe manner.

25 2-506.

26 (a) A person may not cause the death of another as a result of the person's
27 negligently driving, operating, or controlling a motor vehicle or vessel while the
28 person is impaired by a controlled dangerous substance, as defined in § 5-101 of this
29 article.

30 (b) A violation of this section is homicide by motor vehicle or vessel while
31 impaired by a controlled dangerous substance.

32 (c) A person who violates this section is guilty of a felony and on conviction is
33 subject to imprisonment not exceeding [3] 5 years or a fine not exceeding \$5,000 or
34 both.

35 (d) This section does not apply to a person who is entitled to use the controlled
36 dangerous substance under the laws of this State.

1 3-213.

2 (a) A person may not attempt to poison another.

3 (b) A person who violates this section is guilty of a felony and on conviction is
4 subject to imprisonment [for not less than 2 years and] not exceeding [10] 20 years.

5 3-321.

6 (a) A person may not knowingly engage in vaginal intercourse with anyone
7 whom the person may not marry under § 2-202 of the Family Law Article.

8 (b) A person who violates this section is guilty of a felony and on conviction is
9 subject to imprisonment [for not less than 1 year and] not exceeding 10 years OR A
10 FINE NOT EXCEEDING \$10,000 OR BOTH.

11 3-705.

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

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

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

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

21 3-706.

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

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

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

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

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

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

4 5-619.

5 (e) (4) If a person who is at least 18 years old violates paragraph (1) of this
6 subsection by delivering drug paraphernalia to a minor who is at least 3 years
7 younger than the person, the person is guilty of a separate misdemeanor and on
8 conviction is subject to imprisonment not exceeding [8] 10 years or a fine not
9 exceeding \$15,000 or both.

10 5-702.

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

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

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

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

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

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

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

32 6-302.

33 (a) A person may not willfully throw, shoot, or propel a rock, brick, piece of
34 iron, steel, or other similar metal, or a dangerous missile at or into a vehicle or other
35 means of transportation that is occupied by an individual.

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] 5 YEARS or a fine not
3 exceeding [\$500] \$5,000 or both.

4 6-502.

5 (a) In this section, "railroad" includes a switch, frog, rail, roadbed, tie, viaduct,
6 bridge, trestle, culvert, embankment, structure, or appliance that pertains to or
7 connects with a railroad.

8 (b) A person may not, with the intent to obstruct or derail a railroad vehicle in
9 the State:

10 (1) break or damage a railroad; or

11 (2) place or cause anything to be placed on a railroad.

12 (c) A person who violates this section is guilty of a felony and on conviction is
13 subject to imprisonment not exceeding [10] 25 years or a fine not exceeding [\$5,000]
14 \$25,000 or both.

15 7-113.

16 (a) A fiduciary may not:

17 (1) fraudulently and willfully appropriate money or a thing of value that
18 the fiduciary holds in a fiduciary capacity contrary to the requirements of the
19 fiduciary's trust responsibility; or

20 (2) secrete money or a thing of value that the fiduciary holds in a
21 fiduciary capacity with a fraudulent intent to use the money or thing of value
22 contrary to the requirements of the fiduciary's trust responsibility.

23 (b) A person who violates this section is guilty of the [misdemeanor] FELONY
24 of embezzlement and on conviction is subject to imprisonment [of at least 1 year and]
25 not exceeding [5] 15 years OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

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

28 7-114.

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

31 (2) "Revenue officer" includes:

32 (i) a clerk;

33 (ii) a notary public;

1 (iii) a register of wills;

2 (iv) a sheriff; and

3 (v) a tax collector.

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

7 (1) 60 days after the date specified by law for the revenue officer to make
8 payment; or

9 (2) 6 months after the date that the money is collected, if the law does
10 not specify a date for the revenue officer to make payment.

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

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

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

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

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

20 In a prosecution under this section, a certificate of the Comptroller of the State
21 or of a revenue officer of a county showing that the defendant is a defaulter is
22 admissible as prima facie evidence of defalcation under this section.

23 7-116.

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

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

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

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

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

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

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

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

9 8-610.

10 (a) In this section "prescription" includes an order, paper, and recipe
11 purported to have been made by an authorized provider, as defined in § 5-101 of this
12 article, for a drug, medicine, or alcoholic beverage.

13 (b) A person may not:

14 (1) knowingly counterfeit, cause or procure to be counterfeited, or
15 willingly aid or assist in counterfeiting a prescription;

16 (2) knowingly issue, pass, or possess a counterfeit prescription; or

17 (3) obtain or attempt to obtain a prescription drug by fraud, deceit, or
18 misrepresentation.

19 (c) A person who violates this section is guilty of a misdemeanor and on
20 conviction is subject to imprisonment not exceeding [2] 3 years OR A FINE NOT
21 EXCEEDING \$3,000 OR BOTH.

22 (d) Payment or an offer or promise to pay for a drug, medicine, or alcoholic
23 beverage obtained in violation of this section is not a defense to a violation of this
24 section.

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]
33 exceeding 15 years OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

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

3 8-802.

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

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

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

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

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

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

15 (c) A person who violates this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment [for not less than 3 months and] not exceeding
17 1 year or a fine [of not less than \$100 and] not exceeding [\$500] \$1,000 or both.

18 9-201.

19 (a) In this section, "public employee":

20 (1) means an officer or employee of:

21 (i) the State; or

22 (ii) a county, municipal corporation, bicounty or multicounty
23 agency, or other political subdivision of the State; and

24 (2) includes:

25 (i) an executive officer of the State;

26 (ii) a judge of the State;

27 (iii) a judicial officer of the State;

28 (iv) a member or officer of the General Assembly;

29 (v) a member of the police force of Baltimore City or the
30 Department of State Police; and

1 (vi) a member, officer, or executive officer of a municipal
2 corporation.

3 (b) A person may not bribe or attempt to bribe a public employee to influence
4 the public employee in the performance of an official duty of the public employee.

5 (c) A public employee may not demand or receive a bribe, fee, reward, or
6 testimonial to:

7 (1) influence the performance of the official duties of the public
8 employee; or

9 (2) neglect or fail to perform the official duties of the public employee.

10 (d) A person who violates this section is guilty of the misdemeanor of bribery
11 and on conviction:

12 (1) is subject to imprisonment [for not less than 2 years and] not
13 exceeding [12] 15 years or a fine [not less than \$100 and] not exceeding [\$5,000]
14 \$15,000 or both;

15 (2) may not vote; and

16 (3) may not hold an office of trust or profit in the State.

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

19 (f) (1) A person who violates this section:

20 (i) is a competent witness; and

21 (ii) subject to paragraph (2) of this subsection, may be compelled to
22 testify against any person who may have violated this section.

23 (2) A person compelled to testify for the State under paragraph (1) of this
24 subsection is immune from prosecution for a crime about which the person was
25 compelled to testify.

26 9-202.

27 (a) A person may not bribe or attempt to bribe a juror for rendering a verdict.

28 (b) A juror may not accept a bribe for rendering a verdict.

29 (c) A person who violates this section is guilty of a [misdemeanor] FELONY
30 and on conviction:

31 (1) is subject to imprisonment [for not less than 18 months and] not
32 exceeding [6] 10 years OR A FINE NOT EXCEEDING \$10,000 OR BOTH; and

1 (2) may not serve on a jury in the future.

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

4 9-204.

5 (a) A person may not bribe or attempt to bribe another who is participating in
6 or connected with an athletic contest held in the State.

7 (b) A person who violates this section is guilty of the [misdemeanor] FELONY
8 of bribery and on conviction is subject to imprisonment [for not less than 6 months
9 and] not exceeding [3] 5 years or a fine [not less than \$100 and] not exceeding
10 [\$5,000] \$50,000 or both.

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

13 (1) A person:

14 (i) may not refuse to testify concerning a conspiracy to violate this
15 section; but

16 (ii) may be compelled to testify against any person who may have
17 conspired to violate this section.

18 (2) A person compelled to testify under paragraph (1) of this subsection is
19 a competent witness.

20 (3) A person compelled to testify for the State under this section is
21 immune from prosecution for a crime about which the person was compelled to testify.
22 9-205.

23 (a) A person participating in or connected with an athletic contest may not
24 accept a bribe to alter the outcome of the athletic contest.

25 (b) A person who violates this section is guilty of a [misdemeanor] FELONY
26 and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not
27 exceeding [\$5,000] \$50,000 or both.

28 9-302.

29 (a) A person may not harm another, threaten to harm another, or damage or
30 destroy property with the intent to:

31 (1) influence a victim or witness to testify falsely or withhold testimony;
32 or

33 (2) induce a victim or witness:

1 (i) to avoid the service of a subpoena or summons to testify; or

2 (ii) to be absent from an official proceeding to which the victim or
3 witness has been subpoenaed or summoned.

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

7 9-303.

8 (a) A person may not intentionally harm another or damage or destroy
9 property with the intent of retaliating against a victim or witness for:

10 (1) giving testimony in an official proceeding; or

11 (2) reporting a crime or delinquent act.

12 (b) A person who violates this section is guilty of a misdemeanor and on
13 conviction is subject to imprisonment not exceeding [5] 10 years OR A FINE NOT
14 EXCEEDING \$10,000 OR BOTH.

15 9-305.

16 (a) A person may not, by threat, force, or corrupt means, try to influence,
17 intimidate, or impede a juror, a witness, or an officer of a court of the State in the
18 performance of the person's official duties.

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

22 9-306.

23 (a) A person may not, by threat, force, or corrupt means, obstruct, impede, or
24 try to obstruct or impede the administration of justice in a court of the State.

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

28 SUBTITLE 8. COMMON LAW PENALTIES.

29 9-801.

30 A PERSON WHO IS CONVICTED OF THE COMMON LAW CRIME OF RESISTING
31 ARREST IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
32 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
33 BOTH.

1 9-802.

2 A PERSON WHO IS CONVICTED OF THE COMMON LAW CRIME OF HINDERING OR
3 OBSTRUCTING A LAW ENFORCEMENT OFFICER IN THE PERFORMANCE OF THE
4 OFFICER'S DUTY IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
5 IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$3,000 OR
6 BOTH.

7 9-803.

8 A PERSON WHO IS CONVICTED OF THE COMMON LAW CRIME OF MISCONDUCT
9 IN OFFICE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
10 IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR
11 BOTH.

12 9-804.

13 A PERSON WHO IS CONVICTED OF THE COMMON LAW CRIME OF RIOT IS GUILTY
14 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
15 EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

16 10-502.

17 (a) This section does not apply to a person if:

18 (1) the person's previous lawful spouse has been absent from the person
19 for a continuous period of 7 years; and

20 (2) the person does not know whether the person's previous lawful
21 spouse is living at the time of the subsequent marriage ceremony.

22 (b) While lawfully married to a living person, a person may not enter into a
23 marriage ceremony with another.

24 (c) A person who violates this section is guilty of the felony of bigamy and on
25 conviction is subject to imprisonment not exceeding [9] 5 years OR A FINE NOT
26 EXCEEDING \$5,000 OR BOTH.

27 (d) An indictment or warrant for bigamy is sufficient if it substantially states:
28 "(name of defendant) on (date), in (county), having a living spouse, feloniously entered
29 into a marriage ceremony with (name of subsequent spouse), in violation of § 10-502
30 of the Criminal Law Article, against the peace, government, and dignity of the State."
31 10-606.

32 (a) A person may not:

33 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an animal;

34 (2) cause, procure, or authorize an act prohibited under item (1) of this
35 subsection; or

1 (3) except in the case of self-defense, intentionally inflict bodily harm,
2 permanent disability, or death on an animal owned or used by a law enforcement unit.

3 (b) (1) A person who violates this section is guilty of the felony of aggravated
4 cruelty to animals and on conviction is subject to imprisonment not exceeding [3] 5
5 years or a fine not exceeding \$5,000 or both.

6 (2) As a condition of sentencing, the court may order a defendant
7 convicted of violating this section to participate in and pay for psychological
8 counseling.

9 10-620.

10 (a) A person may not:

11 (1) willfully and maliciously interfere with, injure, destroy, or tamper
12 with a horse used for racing or breeding or for a competitive exhibition of skill, breed,
13 or stamina;

14 (2) willfully start, instigate, engage in, or further an act that interferes
15 with, injures, destroys, or tampers with a horse used for racing or breeding or for a
16 competitive exhibition of skill, breed, or stamina; or

17 (3) commit an act that tends to interfere with, injure, destroy, or tamper
18 with a horse used for racing or breeding or for a competitive exhibition of skill, breed,
19 or stamina.

20 (b) A person who violates this section is guilty of a felony and on conviction is
21 subject to imprisonment [of not less than 1 year and] not exceeding [3] 5 years OR A
22 FINE NOT EXCEEDING \$5,000 OR BOTH.

23 11-208.

24 (a) A person may not knowingly possess a film, videotape, photograph, or
25 other visual representation depicting an individual under the age of 16 years:

26 (1) engaged as a subject of sadomasochistic abuse;

27 (2) engaged in sexual conduct; or

28 (3) in a state of sexual excitement.

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

31 (1) for a first violation, imprisonment not exceeding 1 year or a fine not
32 exceeding \$2,500 or both; and

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

1 (c) Nothing in this section may be construed to prohibit a parent from
2 possessing visual representations of the parent's own child in the nude unless the
3 visual representations depict the child engaged:

4 (1) as a subject of sadomasochistic abuse; or

5 (2) in sexual conduct and in a state of sexual excitement.

6 12-102.

7 (a) A person may not:

8 (1) bet, wager, or gamble;

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

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

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

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

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

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 6 months and] not exceeding
22 1 year or a fine [of not less than \$200 and] not exceeding \$1,000 or both.

23 12-103.

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

26 (1) the game called "thimbles";

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

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

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

30 (b) A person who violates this section is guilty of a misdemeanor and on
31 conviction is subject to imprisonment [for not less than 6 months and] not exceeding
32 2 years or a fine not exceeding [\$100] \$2,000 or both.

1 12-104.

2 (a) A person may not:

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

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

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

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

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

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

13 (b) A person who violates this section is guilty of a misdemeanor and on
14 conviction is subject to imprisonment [for not less than 6 months and] not exceeding
15 1 year or a fine not exceeding [\$500] \$1,000 or both.

16 12-109.

17 (a) A person may not willfully, knowingly, and unlawfully cause or attempt to
18 cause the prearrangement or predetermination of the results of a horse race.

19 (b) A person who violates this section is guilty of a [misdemeanor] FELONY
20 and on conviction is subject to imprisonment not exceeding [3] 5 years or a fine not
21 exceeding [\$5,000] \$50,000 or both.

22 12-203.

23 (a) A person may not:

24 (1) hold a lottery in this State; or

25 (2) sell a lottery device in the State for a lottery drawn in this State or
26 elsewhere.

27 (b) A person who violates this section is guilty of a misdemeanor and on
28 conviction shall be sentenced to imprisonment [for not less than 3 months and] not
29 exceeding 12 months or a fine [of not less than \$200 and] not exceeding \$1,000 or
30 both for each violation.

31 (c) In addition to the penalty provided under subsection (b) of this section, a
32 person who gives money or any other thing to purchase or obtain a lottery device, for
33 each lottery device purchased or obtained, may recover \$50 from:

- 1 (1) the person to whom the money or other thing was given; or
2 (2) any person who aided or abetted that person.

3 **Article - Environment**

4 7-265.

5 (a) A person who commits any of the following offenses is guilty of a felony and
6 on conviction is subject to a fine not exceeding \$100,000 or imprisonment not
7 exceeding 5 years, or both:

8 (1) Storing, treating, dumping, discharging, abandoning, or otherwise
9 disposing of a controlled hazardous substance in any place other than a controlled
10 hazardous substance facility for which a current facility permit is in effect;

11 (2) Transporting for treatment, storage, or disposal a controlled
12 hazardous substance to any place other than a controlled hazardous substance facility
13 for which a current facility permit is in effect;

14 (3) Falsifying any information required by the Department under this
15 subtitle or any rule, regulation, order, hauler certificate, vehicle certificate, or facility
16 permit issued under this subtitle; or

17 (4) Authorizing, directing, or permitting any offense listed in this
18 section.

19 (b) A person who is convicted of violating the following sections of this subtitle
20 or any regulation adopted under the following sections of this subtitle is guilty of a
21 misdemeanor and on conviction is subject to a fine not exceeding \$50,000 or
22 imprisonment for not more than 3 years, or both:

23 (1) § 7-209 of this subtitle;

24 (2) § 7-249 of this subtitle; or

25 (3) § 7-252 of this subtitle.

26 (c) Each day on which a violation occurs constitutes a separate offense under
27 this section.

28 (d) (1) Any person who knowingly transports, treats, stores, exports, or
29 otherwise disposes of a controlled hazardous substance in a manner that would
30 constitute a violation under subsection (a) of this section and who knows at that time
31 the violation places another person in imminent danger of death or serious bodily
32 injury is guilty of a felony and on conviction is subject to a fine not exceeding \$250,000
33 or imprisonment not exceeding [15] 20 years or both.

34 (2) For the purposes of this subsection, in determining whether a
35 person's state of mind is knowing and whether a person knew that the violation or

1 conduct placed another person in imminent danger of death or serious bodily injury,
2 the criteria provided under § 3008(f) of the Resource Conservation and Recovery Act
3 (42 U.S.C. § 6928(f)) shall apply.

4 9-343.

5 (a) (1) A person who violates any provision of or fails to perform any duty
6 imposed by this subtitle, or who violates any provision of or fails to perform any duty
7 imposed by a rule, regulation, order, or permit adopted or issued under this subtitle,
8 is guilty of a misdemeanor and on conviction is subject to:

9 (i) For a first offense, a fine not exceeding \$25,000 or
10 imprisonment not exceeding 1 year or both; or

11 (ii) If the conviction is for a violation committed after a first
12 conviction of the person under this subsection, a fine not exceeding \$50,000 for each
13 day of violation or imprisonment not exceeding 2 years or both.

14 (2) In addition to any criminal penalties imposed on a person convicted
15 under this subsection, the person may be enjoined from continuing the violation.

16 (3) Each day on which a violation occurs is a separate violation under
17 this subsection.

18 (b) A person is guilty of a misdemeanor and on conviction is subject to a fine
19 not exceeding \$10,000 or imprisonment not exceeding [6 months] 2 YEARS or both if
20 the person:

21 (1) Knowingly makes any false statement, representation, or
22 certification in any application, record, report, plan, or other document filed or
23 required to be maintained under this subtitle or any rule, regulation, order, or permit
24 adopted or issued under this subtitle; or

25 (2) Falsifies, tampers with, or knowingly renders inaccurate any
26 monitoring device or method required to be maintained under this subtitle or any
27 rule, regulation, order, or permit adopted or issued under this subtitle.

28 **Article - Health - General**

29 18-601.

30 (a) An individual who has an infectious disease that endangers public health
31 may not willfully:

32 (1) Be in a public place without taking proper precautions against
33 exposing other individuals to the disease; or

34 (2) Transfer to another individual any article that has been exposed to
35 the disease without thoroughly disinfecting the article.

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

4 18-601.1.

5 (a) An individual who has the human immunodeficiency virus may not
6 knowingly transfer or attempt to transfer the human immunodeficiency virus to
7 another individual.

8 (b) A person who violates the provisions of this section is guilty of a
9 misdemeanor and on conviction is subject to a fine not exceeding [\$2,500] \$25,000 or
10 imprisonment not exceeding [3] 25 years or both.

11 **Article - Transportation**

12 5-1008.

13 (a) Except as specifically authorized by State or federal law, a person may not
14 be aboard, board, or attempt to board any aircraft engaged in certificated air
15 commerce services with any firearm or explosive on or about his person, whether
16 openly or concealed.

17 (b) Any person who violates any provision of this section is guilty of a felony
18 and on conviction is subject to imprisonment not exceeding [10] 25 years OR A FINE
19 NOT EXCEEDING \$25,000 OR BOTH.

20 27-101.

21 (p) (1) Except as provided in paragraphs (2) and (3) of this subsection, any
22 person who is convicted of a violation of any of the provisions of § 21-904 of this
23 article ("Fleeing or eluding police") is subject to:

24 (i) For a first offense, a fine of not more than \$1,000, or
25 imprisonment for not more than 1 year, or both; and

26 (ii) For any subsequent offense, a fine of not more than \$1,000, or
27 imprisonment for not more than 2 years, or both.

28 (2) Any person who is convicted of a violation of § 21-904(b) or (e) of this
29 article that results in bodily injury to another person is subject to a fine of not more
30 than \$5,000, or imprisonment for not more than 3 years, or both.

31 (3) Any person who is convicted of a violation of § 21-904(b) or (e) of this
32 article that results in a death of another person is subject to a fine of not more than
33 [\$5,000] \$15,000, or imprisonment for not more than [10] 15 years, or both.

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

1

Article 33 - Election Code

2 16-202.

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

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

9 16-302.

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

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

15 16-304.

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

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

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

22 (b) A person may not:

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

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

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

30 16-601.

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

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

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

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

6 16-801.

7 (a) A person may not willfully:

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

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

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

15 16-804.

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

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

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

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

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

27 **Article - Election Law**

28 16-202.

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

32 (b) A person who violates this section is guilty of a felony and is subject to
33 imprisonment for not [less than 1 year nor] more than 5 years OR A FINE NOT
34 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 for not [less than 1 year nor] more than 5 years OR A FINE NOT
6 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 for not [less than 1 year nor] more than 5 years OR A FINE NOT
21 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 for not [less than 1 year nor] more than 10 years OR A FINE NOT
30 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 for not [less than 1 year nor] more than 5 years OR A FINE NOT
7 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 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
19 take effect October 1, 2002. It shall remain effective until the taking effect of Section
20 3 of this Act. If Section 3 takes effect, Section 2 of this Act shall be abrogated and of no
21 further force and effect.

22 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
23 take effect January 1, 2003, the effective date of Chapter _____ (S.B. 1) of the Acts of
24 the General Assembly of 2002. If the effective date of Chapter _____ (S.B. 1) is
25 amended, Section 3 of this Act shall take effect on the taking effect of Chapter _____
26 (S.B. 1).

27 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
28 of Sections 4 and 5 of this Act, this Act shall take effect October 1, 2002.