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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

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A BILL ENTITLED

AN ACT concerning

**Crimes - Fines**

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

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

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

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

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

(As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 2002)

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

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

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

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

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

BY repealing and reenacting, with amendments,

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

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

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

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

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

**Article 27 - Crimes and Punishments**

36E.

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

481D.

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

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

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

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

34A.

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

34B.

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

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

89.

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

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

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

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

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

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

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

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

#### **Article - Agriculture**

3-701.

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

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

#### **Article - Commercial Law**

14-1404.

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

14-2903.

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

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

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

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

#### **Article - Correctional Services**

3-409.

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

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

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

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

#### **Article - Courts and Judicial Proceedings**

10-412.

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

#### **Article - Criminal Law**

3-202.

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

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

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

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

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

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

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

3-203.

(a) A person may not commit an assault.

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

3-210.

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

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

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

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

3-307.

(a) A person may not:

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

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

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

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

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

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

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

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

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

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

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

3-310.

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

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

3-312.

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

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

3-319.

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

3-320.

(a) A person may not:

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

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

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



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

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

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

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

(2) need not state the particular:

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

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

3-402.

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

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

3-403.

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

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

3-405.

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

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

(2) A violation of this subsection is carjacking.

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

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

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

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

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

3-503.

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

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

1. the home or usual place of abode of the child; or
2. the custody and control of the child's parent or legal guardian;

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

1. the child's home or usual place of abode; or
2. the custody and control of the child's parent or legal guardian; or

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

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

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

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

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

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

3-601.

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

(2) "Abuse" means:

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

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

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

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

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

(ii) "Sexual abuse" includes:

1. incest;
2. rape;
3. sexual offense in any degree;
4. sodomy; and
5. unnatural or perverted sexual practices.

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

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

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

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

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

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

3-701.

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

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

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

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

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

3-702.

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

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

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

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

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

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

3-704.

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

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

3-705.

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

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

(2) injure the person or property of anyone.

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

3-706.

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

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

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

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

(2) injure the person or property of anyone.

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

3-708.

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

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

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

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

(4) "Threat" includes:

(i) an oral threat; or

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

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

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

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

3-804.

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

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

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

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

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

3-805.

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

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

(1) one or more persons; or

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

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

(1) a provider of electronic mail;

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

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

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

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

4-101.

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

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

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

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

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

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

(ii) "Weapon" does not include:

1. a handgun; or
2. a penknife without a switchblade.

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

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

(2) a special agent of a railroad;

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

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

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

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

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



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

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

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

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

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

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

4-102.

(a) This section does not apply to:

- (1) a law enforcement officer in the regular course of the officer's duty;
- (2) a person hired by a county board of education specifically for the purpose of guarding public school property;
- (3) a person engaged in organized shooting activity for educational purposes; or
- (4) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

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

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

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

4-105.

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

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

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

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

4-203.

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

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

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

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

(b) This section does not prohibit:

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) in the course of employment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4-204.

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

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

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

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

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

4-306.

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

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

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

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

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

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

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

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

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

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

4-404.

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

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

4-405.

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

(1) the machine gun:

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

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

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

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

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

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

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

5-618.

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

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

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

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

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

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

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

5-621.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) a machine gun; or

(iii) equipped with a firearm silencer.

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

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

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

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



(ii) the charges against the person are dismissed.

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

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

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

5-702.

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

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

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

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

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

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

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

6-105.

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

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

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

6-202.

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

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

6-203.

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

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

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

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

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

6-204.

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

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

6-205.

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

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

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

(1) the dwelling or storehouse of another; or

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

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

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

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

6-206.

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

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

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

6-207.

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

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

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

6-301.

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

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

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

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

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

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

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

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

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

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

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

6-306.

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

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

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

6-307.

(a) A person may not:

(1) sell or possess a stolen:

(i) manufactured serial number; or

(ii) vehicle identification plate or label; or

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

(i) affixed to stolen property; or

(ii) used for fraudulent purposes.

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

6-505.

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

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

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

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

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

7-104.

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

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

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

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

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

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

7-114.

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

(2) "Revenue officer" includes:

- (i) a clerk;
- (ii) a notary public;
- (iii) a register of wills;
- (iv) a sheriff; and
- (v) a tax collector.

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

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

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

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

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

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

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

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

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

7-116.

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

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

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

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

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

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

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

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

7-203.

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

(1) a vehicle;

(2) a motor vehicle;

(3) a vessel; or

(4) livestock.

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

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

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

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

7-205.

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

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

7-302.

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

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

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

(ii) "Aggregate amount" includes:

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

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

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

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

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

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

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

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



(ii) 1. is being prepared or has been prepared in a formalized manner; or

2. is being produced or has been produced by a computer, computer system, or computer network.

(7) "Computer network" means the interconnection of one or more computers through:

(i) the use of a satellite, microwave, line, or other communication medium; and

(ii) terminals or a complex consisting of two or more interconnected computers regardless of whether the interconnection is continuously maintained.

(8) "Computer program" means an ordered set of instructions or statements that may interact with related data and, when executed in a computer system, causes a computer to perform specified functions.

(9) "Computer services" includes computer time, data processing, and storage functions.

(10) "Computer software" means a computer program, instruction, procedure, or associated document regarding the operation of a computer system.

(11) "Computer system" means one or more connected or unconnected computers, peripheral devices, computer software, data, or computer programs.

(b) This section does not preclude the applicability of any other provision of this Code.

(c) (1) A person may not intentionally, willfully, and without authorization access, attempt to access, cause to be accessed, or exceed the person's authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer services, or computer database.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer services, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer services, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code; or

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

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

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

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

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

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

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

(1) the defendant performed the act; or

(2) the accessed computer is located.

8-106.

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

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

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

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

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

8-204.

(a) (1) A person may not:

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

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

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

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

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

(c) A person may not:

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

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

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

(1) credit card theft;

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

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

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

8-205.

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

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

(3) "Falsely make" means:

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

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

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

(1) falsely make a purported credit card;

(2) falsely emboss a credit card; or

(3) transfer or possess:

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

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

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

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

8-206.

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

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

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

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

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

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

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

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

8-207.

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

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

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

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

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

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

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

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

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

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

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

8-209.

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

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

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

8-210.

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

- (1) orally:
  - (i) in person; or
  - (ii) by telephone, radio, or television; or
- (2) in a writing of any kind.

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

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

8-216.

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

8-408.

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

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

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

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

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

(ii) "Installment sale agreement" includes:

1. a prospective installment sale agreement;

2. a purchase money security agreement;

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

4. a renewal, extension, or refund agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) the person:

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

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

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

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

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

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

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

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



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

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

8-503.

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

- (1) financed wholly or partly by the State; and
- (2) administered by the State or a political subdivision of the State.

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

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

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

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

8-601.

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

- (1) bond;
- (2) deed;
- (3) draft;
- (4) endorsement or assignment of a bond, draft, or promissory note;
- (5) entry in an account book or ledger;
- (6) power of attorney;
- (7) promissory note;

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

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

8-602.

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

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

8-603.

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

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

8-604.

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

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

8-605.

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

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

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

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

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

8-606.

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

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

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

- (i) the State;
- (ii) a political subdivision of the State; or
- (iii) a multicounty agency.

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

- (1) willfully make a false entry in a public record;
- (2) except under proper authority, willfully alter, deface, destroy, remove, or conceal a public record; or
- (3) except under proper authority, willfully and intentionally access a public record.

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

8-607.

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

- (1) the great seal of the State;
- (2) the seal of any court of the State; or
- (3) any other public seal of the State.

(b) A person may not:

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

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

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

8-608.

- (a) A person may not:
  - (1) counterfeit the stamp of the Comptroller;
  - (2) unlawfully use or steal the stamp of the Comptroller;
  - (3) unlawfully and falsely, or with evil intent, affix the stamp of the Comptroller to any written instrument; or
  - (4) have and willfully conceal a counterfeit stamp of the Comptroller, if the person knows that it was counterfeit.

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

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

8-609.

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

- (b) A person may not:
  - (1) with intent to defraud another, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting an order for money or goods;
  - (2) with intent to defraud another, issue, publish, or pass a counterfeit order for money or goods, if the person knows it was counterfeit; or

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

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

8-612.

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

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

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

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

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

(i) counterfeited; or

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

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

8-702.

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

(1) destroy the will; or

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

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

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

8-802.

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

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

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

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

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

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

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

9-101.

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

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

(2) in an affidavit required by law;

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

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

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

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

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

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

9-102.

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

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

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

9-412.

(a) A person may not:

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

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

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

9-413.

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

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

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

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

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

9-414.

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

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

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

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

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

9-415.

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

(b) A person may not:

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

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

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

9-416.

(a) A person may not:

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

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

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

10-404.

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

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



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

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

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

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

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

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

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

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

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

11-107.

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

11-202.

(a) A person may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) liable for costs; or

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

11-205.

(a) A person may not knowingly:

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

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

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

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

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

11-306.

(a) A person may not knowingly:

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

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

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

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

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

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

12-102.

(a) A person may not:

(1) bet, wager, or gamble;

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

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

(i) betting, wagering, or gambling; or

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

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

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

12-103.

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

- (1) the game called "thimbles";
- (2) the game called "little joker";
- (3) dice or the game commonly called "crap"; or
- (4) any other gaming device or fraudulent trick.

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

12-104.

(a) A person may not:

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

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

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

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

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

or

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

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

12-105.

(a) This section:

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

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

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

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

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

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

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

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

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

#### **Article - Family Law**

9-307.

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

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

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

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

10-203.

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

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

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

#### **Article - State Finance and Procurement**

2-305.

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

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

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

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

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

#### **Article 33 - Election Code**

16-202.

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

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

16-302.

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

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

16-304.

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

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

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

(b) A person may not:

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

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

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

16-601.

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

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

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

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

16-801.

(a) A person may not willfully:

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

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

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

16-804.

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

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

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

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

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

#### **Article - Election Law**

16-202.

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

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

16-302.

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

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



16-304.

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

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

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

(b) A person may not:

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

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

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

16-601.

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

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

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

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

16-801.

(a) A person may not willfully:

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

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

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

16-804.

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

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

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

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

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

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

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