

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 172 (The Speaker)(Department of Legislative Services – Code Revision)

Judiciary

Judicial Proceedings

Criminal Law Article - Cross-References and Corrections

This code revision bill generally corrects specified cross-references to the new Criminal Law Article of the Annotated Code of Maryland.

Fiscal Summary

State Effect: None. This bill is predominantly technical in nature. Any substantive changes are not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill corrects cross references throughout the Annotated Code of Maryland to reflect the structure of the new Criminal Law Article, as proposed by House Bill 11. The corrections occur chiefly in Article 27 - Crimes and Punishments, Article 2B – Alcoholic Beverages, the Criminal Procedure Article, the Health Occupations Article, the Health – General Article, the Correctional Services Article, and the Courts and Judicial Proceedings Article.

The Criminal Law Article Code Revision Committee while revising the criminal laws encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. Although this bill is primarily technical in nature, it does make some very minor substantive changes to the Criminal

Law Article which were recommended by the committee in the revisor's notes to House Bill 11, specifically:

§ 1-401. *Proof Of Intent - Fraud, Theft, And Related Crimes.*

Pursuant to HB 11, "obtaining property by false pretenses" is no longer a separate crime in Maryland, but is a form of theft. Similarly, "embezzling" and "destroying" wills and instruments are revised as forms of fraud. This provision and § 4-108 of the Criminal Procedure Article are clarified to reflect these changes.

§ 3-702. *Extortion By State or Local Government Officer or Employee.*

The property value threshold for commission of a felony under this provision is changed from "greater than \$500" to "\$500 or more" for consistency with a related provision.

§ 3-906. *Divulging Or Failing To Deliver Private Communications.*

This prohibition is modified to reflect the intention that only employees and agents of a telephone or telegraph company shall be subject to it, not customers.

§ 4-101. *Dangerous Weapons and § 4-102. *Deadly Weapons On School Property.**

Maximum sentences are altered from "imprisonment not exceeding three years or a fine not exceeding \$1,000" to "imprisonment not exceeding three years or a fine not exceeding \$1,000 or both" to correct disparities with sentences for related provisions.

§ 4-103. *Disarming A Law Enforcement Officer.*

This provision is clarified to reflect that the person being disarmed must actually be a law enforcement officer.

§ 5-810. *Convictions And Reports To Licensing Authorities.*

The definition of "drug crime" is expanded to include a violation of Title 12 of the Criminal Procedure Article (forfeiture – Controlled Dangerous Substances Violations) as well as a violation of Title 5 of the Criminal Law Article (Controlled Dangerous Substances, Prescriptions, and other Substances).

§ 6-207. *Burglary With Explosives.*

The more inclusive term "destructive device" is substituted for the term "explosives."

§ 8-514. *Prohibited-- Obtaining Benefit By Fraud.*

The term "misrepresentation" is changed to "false representation."

§ 10-119. Alcoholic Beverage Citations.

The authority of forest and park wardens to issue citations for certain violations is expanded. Failure of a defendant to respond to a summons must be willful to constitute contempt of court. The scope of repeat violations is clarified.

§ 10-702. Scope Of Subtitle (Maryland Uniform Flag Law)

The term “armed forces” is substituted for “Army or Navy.”

§11-202. Obscene Matter - Distribution, Exhibition, Importation, And Publication.

This change attempts to reconcile the different lists of obscene material in this subtitle.

Current Law: Generally, Maryland’s criminal code is codified in Article 27, Crimes and Punishments of the Annotated Code of Maryland.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

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