

HOUSE BILL 943

E2, D3

71r2581

By: **Delegate Simmons**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Statute of Limitations – Campaign Loans Deemed Contributions**

3 FOR the purpose of clarifying the calculation of time in which a prosecution must be
4 initiated for a criminal or civil violation resulting from an election campaign
5 loan that is deemed to be a contribution; and generally relating to the statute of
6 limitations.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 5–106(a), (f), (g), and (h)
10 Annotated Code of Maryland
11 (2006 Replacement Volume)

12 BY adding to
13 Article – Courts and Judicial Proceedings
14 Section 5–106(h–1)
15 Annotated Code of Maryland
16 (2006 Replacement Volume)

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

19 **Article – Courts and Judicial Proceedings**

20 5–106.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided by this section, a prosecution for a misdemeanor shall
2 be instituted within 1 year after the offense was committed.

3 (f) A prosecution for the commission of or the attempt to commit a
4 misdemeanor constituting: (1) except as provided in subsection (h) of this section, a
5 criminal offense under the State election laws; or (2) a criminal offense under the
6 Maryland Public Ethics Law; or (3) criminal malfeasance, misfeasance, or nonfeasance
7 in office committed by an officer of the State, or of an agency of the State, or of a
8 political subdivision of the State, or of a bicounty or multicounty agency in the State
9 shall be instituted within 2 years after the offense was committed.

10 (g) A prosecution for conspiracy to commit any of the offenses enumerated in
11 subsection (f) of this section shall be instituted within 2 years after the offense was
12 committed.

13 (h) A prosecution to impose a civil fine for an offense arising under § 13-604
14 of the Election Law Article shall be instituted within 3 years after the offense was
15 committed.

16 **(H-1) FOR THE PURPOSES FOR SUBSECTIONS (F) THROUGH (H) OF THIS**
17 **SECTION, THE PERIOD FOR INSTITUTING A PROSECUTION FOR AN ILLEGAL**
18 **CAMPAIGN CONTRIBUTION, ARISING FROM THE APPLICATION OF § 13-230 OF**
19 **THE ELECTION LAW ARTICLE, SHALL COMMENCE AT THE TIME A LOAN IS**
20 **DEEMED UNDER § 13-230 OF THE ELECTION LAW ARTICLE TO BE A**
21 **CONTRIBUTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2007.