

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–106 and 5–107

Annotated Code of Maryland

(2002 Replacement Volume and 2003 Supplement)

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

Article – Courts and Judicial Proceedings

5–106.

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

(b) Notwithstanding § 9–103(a)(3) of the Correctional Services Article or any other provision of the Code, if a statute provides that a misdemeanor is punishable by imprisonment in the penitentiary or that a person is subject to this subsection:

(1) The State may institute a prosecution for the misdemeanor at any time; and

(2) For purposes of the Maryland Constitution, the person:

(i) Shall be deemed to have committed a misdemeanor whose punishment is confinement in the penitentiary; and

(ii) May reserve a point or question for in banc review as provided under Article IV, § 22 of the Maryland Constitution.

(c) A prosecution under the vehicle code shall be instituted within 2 years after the offense was committed if the charge is:

(1) Unlawfully using a driver's license; or

(2) Fraudulently using a false or fictitious name when applying for a driver's license.

(d) A prosecution for Sabbath breaking or drunkenness shall be instituted within 30 days after the offense was committed.

(e) In Allegany County, a prosecution for selling alcoholic beverages to a person under the legal age for drinking such alcoholic beverages or for selling alcoholic beverages after hours shall be instituted within 30 days after the offense was committed.

(f) A prosecution for the commission of or the attempt to commit a misdemeanor constituting: (1) except as provided in subsection (h) of this section, a criminal offense under the State election laws; or (2) a criminal offense under the Maryland Public Ethics Law; or (3) criminal malfeasance, misfeasance, or nonfeasance in office committed by an officer of the State, or of an agency of the State,