

or persons, his or their aiders and abettors, took and carried away the property or any portion of the same enumerated in this section, for his or their present use, and not with the intent of appropriating or converting the same. The provisions of Article 52, Section 13, shall not apply to this section.

366.

If any person shall be a second time convicted of any of the offenses mentioned in any of the sections of this article relating to lotteries, he shall be *guilty of a felony* and on conviction be confined in the penitentiary not less than two nor more than five years; and any recovery of a penalty for violating any of the provisions of this article relating to lotteries, whether by indictment or action of debt, or before a justice of the peace, shall be regarded as a first conviction under this section.

IV. *Felonies and Misdemeanors.*

727.

(a) *Except as otherwise expressly provided by statute, every crime defined in this code which by statute*

(1) *May be punished by death; or*

(2) *May be punished by imprisonment for life; or*

(3) *May be punished by imprisonment for a period exceeding three years; or*

(4) *As provided in the particular penal statute defining or penalizing such offense, and not as provided in Section 706 of this Article, may be punished by imprisonment in the penitentiary for three years or more shall be a felony. Every other crime shall be a misdemeanor.*

(b) *Where a penalty specified in subsection (a) may not be imposed for a first conviction of any offense but may be imposed for a subsequent conviction of such offense, then such first offense shall be a misdemeanor and such subsequent offense shall be a felony.*

(c) *Unless otherwise expressly provided by statute, attempts and conspiracies shall be felonies if the crime attempted or conspired at is a felony, and shall be misdemeanors if the crime attempted or conspired at is a misdemeanor.*

Sec. 3. *Be it enacted by the General Assembly of Maryland, That Section 41 of Article 40 of the Annotated Code of Maryland (1965 Replacement Volume), title "General Assembly," subtitle "Electrical Voting Machine," be and it is hereby repealed and re-enacted with amendments to read as follows:*

41.

No person not a member of the House of Delegates shall operate the electrical voting machine mechanism belonging to any member, so as to cast a vote on any question or proposition before the House. Any person violating the provisions of this section shall be deemed