

See Rule 220 and §6-401 of this article relating to survival of actions.

SEC. 5-106. PROSECUTION FOR MISDEMEANOR.

(A) ONE YEAR.

EXCEPT AS PROVIDED BY THIS SECTION, A PROSECUTION FOR A MISDEMEANOR NOT MADE PUNISHABLE BY CONFINEMENT IN THE PENITENTIARY BY STATUTE SHALL BE INSTITUTED WITHIN ONE YEAR AFTER THE OFFENSE WAS COMMITTED.

(B) TWO YEARS.

A PROSECUTION UNDER THE VEHICLE CODE SHALL BE INSTITUTED WITHIN TWO 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.

(C) THIRTY DAYS.

A PROSECUTION FOR SABBATH BREAKING OR DRUNKENNESS SHALL BE INSTITUTED WITHIN 30 DAYS AFTER THE OFFENSE WAS COMMITTED.

REVISOR'S NOTE: Subsections (a) and (b) are new language derived from Art. 57, §11. This section applies to all misdemeanors, including common-law misdemeanors but excluding misdemeanors made punishable by imprisonment in the penitentiary by statute.

Although convicted defendants are sentenced to the custody of the Department of Correction rather than to "confinement in the penitentiary", a distinction remains between crimes "punishable by confinement in the penitentiary", and other crimes. The former are "misdemeanors placed along with felonies". Art. 27, §690 ( Ch. 123, §1, Acts of 1962) now repealed, provided that the change in sentencing procedures is not to be "construed to add to, alter, or change the class of crimes as they existed before July 1, 1943 . . . or to make any