

In NR §1-205 (c), the following appears:

"A person may not violate his written promise to appear ... unless {(1)} sufficient collateral for the offense is posted, {(2)} the fine is paid in advance of trial, or {(3)} the person is represented by counsel in court."

The omission of like language here may have been an oversight. The Commission considered a new subsection (d) for this section to provide: "A person may not violate his written promise to appear in court unless the person is represented in court by counsel". The proposal purposefully omitted what is indicated above as (1) and (2) of NR §1-205, since imprisonment is a possible penalty for violation of this title and, consequently, a prepaid fine or collateral would not appear to be appropriate. (In fact, imprisonment is a possible penalty for offenses covered by NR §1-205 as well; consideration might be given, therefore, to deleting items (1) and (2) or - alternatively - restricting its application to offenses punishable only by a fine.) However, the Commission rejected the proposal, considering the matter to be one best left to consideration by the General Assembly. Some objected to the permitted "appearance by counsel", as discriminating against those who cannot afford counsel. Also, an objection was raised to the failure of the language to recognize impossibility or other causes for which the court might excuse a failure to appear. (These objections also should be considered with respect to NR §1-205 and §26-207 of this article, as well.)

5-1105. PENALTY.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, ANY PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE OR OF ANY RULE, REGULATION, OR ORDER ADOPTED OR ISSUED UNDER THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

REVISOR'S NOTE: This section presently appears as Art. 1A, §10-1003 (a).

The reference to a violation being a "misdemeanor" is added for clarity.

The only other changes are in style.