

statement or a misleading omission. This would lead the reader to question whether the willful making of a misleading omission is not intended to be a crime for income tax purposes, a result probably not intended by the General Assembly.

The failure to keep records is made a crime only with respect to admissions and amusement tax and sales and use tax. The General Assembly should consider whether the failure to keep records should be made a crime with respect to all other taxes as well.

The penalties are difficult to reconcile. For example, § 13-1009 of this subtitle provides penalties up to \$10,000 and 5 years imprisonment for participating in the evasion of the alcoholic beverage tax, whereas the willful evasion of the sales and use tax by certain means has maximum punishments of a \$1,000 fine and 1 year imprisonment. Similarly, being involved with counterfeiting or forging alcoholic beverage stamps calls for a penalty up to \$10,000 or 5 years imprisonment, whereas similar offenses in connection with the tobacco tax call for only a \$5,000 fine with 5 years imprisonment. The failure to keep records (§ 13-1008) has criminal penalties that are twice as serious for the sales and use tax as they are for the admissions and amusement tax. The latter discrepancy may be explainable because throughout the statutes, the General Assembly has consciously made criminal activity in connection with the admissions and amusement tax subject to less severe punishments than criminal activity with respect to other statutes.

Sections 13-1023 and 13-1024 of this subtitle define certain offenses relating to the failure of a taxpayer to provide information. These crimes are applicable to most of the taxes but not all of the taxes, and the question is whether the General Assembly would intend to make these provisions applicable to all taxes.

Section 13-1026 of this subtitle is a curious provision, which makes it a crime for a State officer negligently to fail to perform his duty under this article. This seems a rather harsh penalty for negligence. Section 13-1027 of this subtitle contains a criminal penalty for willful failure to perform one's duty, which is a justifiable provision. The penalty for negligency may be a bit harsh.

In conclusion, the Committee urges the General Assembly to analyze the criminal provisions and to bring some order out of the current chaos. The Committee has not attempted to draft a statute that would create that order, because in almost every instance, major policy decisions that are far beyond the purview of the Committee's role must be made.

#### SUBTITLE 11. LIMITATIONS.

13-1101. TIME FOR ASSESSMENT OF FINANCIAL INSTITUTION FRANCHISE OR INCOME TAX.