

The Committee has used the words "objectively apparent" in this section because these same words were used by the Court of Appeals in Bane v. State, 327 Md. 305, 316 (1992). The Committee believes that these words should be given the meaning ascribed to them in that case.

35B.

(A) IN ANY INDICTMENT, INFORMATION, WARRANT, OR OTHER CHARGING DOCUMENT FOR BURGLARY OR ANY OTHER OFFENSE UNDER THIS SUBHEADING, IT IS SUFFICIENT TO USE A FORMULA SUBSTANTIALLY TO THE FOLLOWING EFFECT: "THAT A-B ON THE DAY OF,, IN THE COUNTY (CITY) AFORESAID, DID UNLAWFULLY BREAK AND ENTER (DESCRIBE DWELLING OR STOREHOUSE) OR DID (DESCRIBE OTHER VIOLATION OF THIS SUBHEADING) IN VIOLATION OF ARTICLE 27, SECTION (HERE STATE SECTION VIOLATED) OF THE ANNOTATED CODE OF MARYLAND; CONTRARY TO THE FORM OF THE ACT OF ASSEMBLY IN SUCH CASE MADE AND PROVIDED AND AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."

(B) IN ANY CASE IN THE CIRCUIT COURT IN WHICH THIS GENERAL FORM OF INDICTMENT OR INFORMATION IS USED TO CHARGE AN OFFENSE UNDER THIS SUBHEADING, THE DEFENDANT ON TIMELY DEMAND IS ENTITLED TO A BILL OF PARTICULARS.

(C) A PERSON CHARGED WITH A VIOLATION OF § 29 OF THIS ARTICLE MAY BE CONVICTED OF A VIOLATION OF § 31 OR § 32(A)(1) OF THIS ARTICLE.

(D) A PERSON CHARGED WITH A VIOLATION OF § 30 OF THIS ARTICLE MAY BE CONVICTED OF A VIOLATION OF § 32(A)(2) OF THIS ARTICLE.

(E) A PERSON CHARGED WITH A VIOLATION OF § 31 OF THIS ARTICLE MAY BE CONVICTED OF A VIOLATION OF § 32(A)(1) OF THIS ARTICLE.

COMMITTEE NOTE:

The Committee intends that the provisions of the Maryland Rules be followed as to the applicable time limits and other requirements concerning a bill of particulars.

372.

"Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape in any degree, mayhem, assault with intent to do great bodily harm, assault with intent to murder, assault with intent to rape, robbery, [burglary, housebreaking, breaking and entering] BURGLARY IN ANY DEGREE, and theft.

"Person" applies to and includes firm, partnership, [association] ASSOCIATION, or corporation.

COMMITTEE NOTE: