

ACCESSORY AFTER THE FACT

2A.

UNLESS OTHERWISE PROVIDED BY LAW, A PERSON WHO IS CONVICTED OF BEING AN ACCESSORY AFTER THE FACT TO A FELONY IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO THE LESSER OF:

(1) IMPRISONMENT NOT EXCEEDING 5 YEARS; OR

(2) A PENALTY NOT EXCEEDING THE MAXIMUM PENALTY PROVIDED BY LAW FOR COMMITTING THE CRIME.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27 OF THE ANNOTATED CODE): This section codifies current law concerning the penalty for being an accessory after the fact to a common law felony. See *Osborne v. State*, 304 Md. 323, 499 A.2d 170 (1985). It further provides that the maximum penalty for being an accessory after the fact may not exceed the maximum punishment for the completed crime. These general provisions would not apply if a law specifically provides a penalty for being an accessory.

626.

[All claims] ANY CLAIM to dispensation from punishment by benefit of clergy [are forever] IS abolished[; and every person convicted of any felony heretofore deemed clergyable shall be sentenced to undergo a confinement in the penitentiary for any time not less than eighteen months nor more than five years, except in those cases where some other specific penalty is prescribed by this Code. And every person who shall be convicted of any felony heretofore excluded from the benefit of clergy, and not specified in this Code, shall be sentenced to undergo a confinement in the penitentiary for not less than five nor more than twenty years].

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27 OF THE ANNOTATED CODE): For current provisions concerning the penalty for being an accessory after the fact to a felony, see § 2A of this article. The Committee is not aware of any other common law felonies which have not been codified, do not have a statutory penalty, or have not been repealed. If there is such an offense, the repeal of the penalty provisions in this section would mean that the person is subject to the same penalties as a person who commits a common law misdemeanor in the State such as resisting arrest, i.e., a penalty limited only by the constitutional prohibition against cruel and unusual punishment.

SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Notes contained in this Act are not law and may not be considered to have been enacted as a part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.

May 17, 2001

The Honorable Casper R. Taylor, Jr.