

noted: (1) although most misdemeanors are subject to a 1-year limitation period, prosecution of those which specify a punishment of imprisonment in the penitentiary is not limited; and (2) penitentiary misdemeanors are subject to the right of in banc review under Md. Constitution, Art. IV, § 22. These two elements are retained by the revision of § 5-106(b) of the Courts Article that is included in this Act.

Former Art. 27, § 618 is deleted. The former statute, with certain exceptions, barred a citizen of the State committed to the custody of an "officer" for a criminal matter from being transferred into the custody of another officer. Exceptions to this rule included the delivery of a prisoner "to a constable or other inferior officer ... or from one place to another within the said county or an adjoining county, in order to his discharge or trial in due course of law, or in case of sudden fire or infection, or other necessity". Finally, a prisoner could be removed if the prisoner was charged "with treason, felony, or other crime alleged to be done" in another state.

The statute, which was first enacted in 1809, is obsolete. If read literally, the statute would have barred, for example, a transfer of a prisoner from Baltimore County to Frederick County, because the two counties are not adjoining and therefore would not fall under an exception to the no-transfer rule. In addition, in its use of the word "officer", the statute apparently contemplated a sheriff, who has statutory authority to receive individuals and place them under custody until they are discharged by law. However, current law authorizes others to have custody over prisoners. See, e.g., CS § 5-201 (giving the Division of Pretrial Detention and Services of the Department of Public Safety and Correctional Services the same custodial authority as sheriffs), and Art. 87, § 48 (Anne Arundel County Council may provide for the transportation of prisoners by certified law enforcement officers other than the Sheriff). Finally, the removal of prisoners to other states is governed by the Uniform Criminal Extradition Act. See Title 9 of this article.

Title 12 of this article concerns forfeiture of property involved with controlled dangerous substance violations, and Title 13 of this article concerns forfeiture of property involved in gambling and gun law violations. In Maryland, forfeiture laws generally are civil in rem actions. See *Baltimore v. 1995 Corvette*, 119 Md. App. 691 (1998), *Director of Finance of Prince George's County v. Cole*, 296 Md. 607 (1983) and *Gatewood v. State*, 264 Md. 301 (1972). The placement of these titles in this article is for convenience only and is not intended to change the civil nature of these forfeiture laws.

In some instances, the staff of the Department of Legislative Services may create "Special Revisor's Notes" to reflect the substantive effect of legislation enacted during the 2001 Session on some provisions of this article.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 2B - Alcoholic Beverages

16-509. INDICTMENT FOR UNLAWFUL SALE OF LIQUOR OR BEER.

A CHARGING DOCUMENT MAY CHARGE AN UNLAWFUL SALE OR DISPOSITION OF AN ALCOHOLIC BEVERAGE WITHOUT STATING THE PARTICULAR KIND OF