

In subsections (a)(2)(i) and (b)(2)(i) of this section, the specific references to provisions of the Public Safety Article are substituted for the former reference to a "provision of Article 27 of the Code" for clarity.

In subsection (b)(1) of this section, the former reference to a person who "aids or counsels ... or who commits any other act in furtherance of a violation" is deleted as unnecessary due to the abrogation of accessory before the fact liability. *See* CP § 4-204.

Defined terms: "Explosives" § 11-101
 "Person" § 1-101

11-117. MERGER OF CONVICTIONS; PREEMPTION AMONG PENALTIES.

(A) MERGER OF CONVICTIONS.

IF A PERSON HAS BEEN CONVICTED OF A VIOLATION OF § 11-114(A) AND (B) OF THIS SUBTITLE, OR OF A VIOLATION OF § 11-115(A) AND 11-114(B) OF THIS SUBTITLE, AND THE CONVICTIONS ARISE OUT OF THE SAME TRANSACTION, THE CONVICTION UNDER § 11-114(A) OR § 11-115(A) OF THIS SUBTITLE MERGES INTO THE CONVICTION UNDER § 11-114(B) OF THIS SUBTITLE.

(B) PREEMPTION AMONG PENALTIES.

IF A PERSON HAS BEEN CONVICTED OF TWO OR MORE VIOLATIONS UNDER THIS SUBTITLE AND HAS BEEN PENALIZED UNDER § 11-114(G), § 11-115(E), OR § 11-116 OF THIS SUBTITLE FOR ONE VIOLATION, THE PERSON IS NOT SUBJECT TO AN ADDITIONAL PENALTY UNDER § 11-116 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 38A, § 34E.

In subsection (b) of this section, the former reference to "any penalty and/or fine imposed pursuant to § 34B shall preempt the other penalties and/or fines imposed pursuant to any other of such sections as a result of such violation or violations except any penalty and/or fine imposed pursuant to § 34A hereof" is deleted as obsolete in light of the revision of § 11-116 of this subtitle, which combines the identical penalty provisions of former Art. 38A, §§ 34A and 34B. Subsection (b) of this section is revised to prohibit explicitly the imposition of two or more penalties for any two or more violations of this subtitle if the person has been penalized under § 11-116 of this subtitle for one of the violations.

Defined term: "Person" § 1-101

11-118. PROCEDURES FOR ACTION UNDER SUBTITLE.

IN AN ACTION UNDER THIS SUBTITLE:

(1) THE STATE NEED NOT DISPROVE ANY EXCEPTION, EXCUSE, PROVISIO, OR EXEMPTION UNDER THIS SUBTITLE; AND