

In subsection (c) of this section, the reference to a conviction "in the District Court sitting in the city or county wherein such offense was committed" is deleted as unnecessary in light of the general provisions of CJ § 4-301, which grants the District Court jurisdiction over misdemeanor cases, and CP § 4-201, which establishes the venue of the District Court in criminal cases.

Also in subsection (c) of this section, the former reference to a person "in default of the payment of the fine and costs" being "committed to the jail of the county or city, as the case may be, pursuant to the provisions of Art. 38, § 4, Annotated Code of Maryland" is deleted as an unnecessary restatement of Art. 38, § 4.

In subsection (c)(2)(i) of this section, the reference to a fine imposed "under paragraph (1) of this subsection" is substituted for the former reference to a fine imposed "on appeal from the judgment of the District Court" to clarify that all fines should be paid to the Adjutant General.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that the activity prohibited by subsection (b)(2) of this section is arguably also prohibited by § 13-901, which is broader and carries a greater penalty. The General Assembly may wish to consider whether subsection (b)(2) of this section is necessary in light of § 13-901.

Defined terms: "Maryland Defense Force" § 13-101

"Person" § 1-101

"State" § 1-101

13-903. MISAPPLICATION OR CONVERSION OF MONEY OR PROPERTY.

(A) PROHIBITED.

A PERSON MAY NOT WILLFULLY:

(1) MISAPPLY OR CONVERT TO THE PERSON'S OWN USE ANY MONEY OR OTHER PROPERTY BELONGING TO THE ORGANIZED MILITIA; OR

(2) ON THE LAWFUL REQUEST OF THE PROPER OFFICER, FAIL OR REFUSE TO DELIVER TO THE OFFICER ANY MONEY OR OTHER PROPERTY THAT IS IN THE POSSESSION OF THE PERSON OR FOR WHICH THE PERSON IS CHARGEABLE OR ACCOUNTABLE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 65, § 50.

In the introductory language of subsection (a) of this section, the former reference "unlawfully" is deleted as implicit in the reference "willfully".