

"shall have been made by him" and a farm product consigned "to him" are deleted as surplusage.

In subsection (b) of this section, the reference to the additional penalty of "court costs" is substituted for the former reference to the additional penalty of "together with the cost of prosecution" for consistency with Title 7 of the Courts Article.

Also in subsection (b) of this section, the reference to "each violation" is substituted for the former reference to "each and every offense" for consistency with the Criminal Law Article.

Defined term: "Person" § 1-101

1-306. APPLICATION OF GENERAL PENALTIES.

THE PENALTIES UNDER TITLE 12 OF THIS ARTICLE DO NOT APPLY TO THIS SUBTITLE.

REVISOR'S NOTE: Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also enacted this section, which is new language added to clarify that the general penalties for a violation of this article do not apply to a violation of this subtitle, which is derived from former Art. 27, §§ 170 through 172.

SUBTITLE 7. ENCLOSED LIVESTOCK.

3-701. OPENING ENCLOSURE OF ANOTHER.

(A) PROHIBITED.

A PERSON MAY NOT WILLFULLY AND MALICIOUSLY OPEN THE GATE OF ANOTHER'S FIELD, PASTURE, OR ENCLOSURE THAT ENCLOSES LIVESTOCK.

(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: Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also added this section, which is new language derived without substantive change from former Art. 27, § 111A.

In subsection (b) of this section, the former reference to imprisonment for "a period of" not more than 1 year is deleted as surplusage.

Also in subsection (b) of this section, the former redundant reference to a violator being subject to "imprisonment and fine" is deleted as surplusage.

Defined terms: "Livestock" § 1-101

"Person" § 1-101