

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, §§ 277(r), 417(2), and 468(c)(3), and the third sentence of § 372.

The former provisions are revised in this subsection to apply throughout this article for clarity, even though Art. 27, § 372 formerly only applied to those provisions now in Title 4, Subtitle 4 of this article, Art. 27, § 277(r) formerly applied only to those provisions now in Title 5 of this article, Art. 27, § 417(2) formerly applied only to those provisions now in Title 11, Subtitle 2 of this article, and Art. 27, § 468(c)(3) formerly applied only to those provisions now in § 10-110 of this article.

The term "person" defined in this subsection does not conform to the standard definition of "person" in other revised articles of the Code. The standard definition in other revised articles includes a "receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind". Unlike many other revised articles that primarily concern civil and regulatory matters, this article specifically imposes criminal liability on a "person" who contravenes its provisions. The criminal law generally does not impose criminal liability on a person acting purely in the capacity of an agent, unless the person may otherwise be charged as a principal or accessory to a crime. The Criminal Law Article Review Committee noted that there was no basis in the former law to support extending criminal liability to a person acting in such a capacity for all crimes included in this article. Thus, the Committee determined that only those persons included in the term "person" as formerly defined in Article 27 should be included in that term as defined in this article. No substantive change is intended.

The definition of "person" in this subsection does not include a governmental entity or unit. The Court of Appeals of Maryland has held consistently that the word "person" in a statute does not include the State, its units, or subdivisions unless an intention to include these entities is made manifest by the legislature. *See, e.g., Unnamed Physician v. Commission on Medical Discipline*, 285 Md. 1, 12-14 (1979).

The former reference to any other "legal" entity is deleted as surplusage.

The former references to a "limited liability company" and an "unincorporated" association are deleted as included in the comprehensive reference to any other "entity".

(I) STATE.

"STATE" MEANS:

(1) A STATE, POSSESSION, TERRITORY, OR COMMONWEALTH OF THE UNITED STATES; OR

(2) THE DISTRICT OF COLUMBIA.