

13-603. OTHER VIOLATIONS — CRIMINAL PENALTIES.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS SUBTITLE, A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES A PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-603.

The former reference to the "discretion of the court" is deleted as implicit in setting maximum penalties.

The introductory clause "[e]xcept as otherwise expressly provided in this subtitle" is substituted for former Art. 33, § 13-603(b) and the introductory clause to former Art. 33, § 13-603(a) for brevity.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that the specific penalty provided for violating the prohibited practices (that arguably may be quite egregious behavior) specified under § 13-602 of this title is significantly less than the general criminal penalty for a violation of this title established under this section.

13-604. SAME — CIVIL PENALTIES.

(A) IN GENERAL.

(1) A PERSON WHO VIOLATES A PROVISION OF THIS TITLE WITHOUT KNOWING THAT THE ACT IS ILLEGAL SHALL PAY A CIVIL PENALTY IN ACCORDANCE WITH SUBSECTIONS (B) THROUGH (G) OF THIS SECTION.

(2) THE PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED \$5,000.

(3) AN INFRACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS A CIVIL OFFENSE.

(4) THIS SECTION DOES NOT APPLY TO A VIOLATION OF ANOTHER SECTION IN WHICH A PENALTY IS EXPRESSLY PROVIDED.

(B) CIVIL CITATION.

(1) IF THE STATE PROSECUTOR OR THE STATE'S ATTORNEY WITH JURISDICTION DETERMINES THAT A PERSON UNINTENTIONALLY, AND WITHOUT CRIMINAL INTENT, HAS VIOLATED A PROVISION OF THIS TITLE, THE STATE PROSECUTOR, THE STATE'S ATTORNEY, OR BOTH, SHALL ISSUE TO THE PERSON A CIVIL CITATION THAT CONTAINS:

- (I) THE NAME AND ADDRESS OF THE PERSON CITED;
- (II) THE NATURE, TIME, AND PLACE OF THE VIOLATION;
- (III) THE MANNER IN WHICH THE VIOLATION OCCURRED;