

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(C) STATUTE OF LIMITATIONS AND IN BANC REVIEW.

A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF THE COURTS ARTICLE.

(D) CHARGING DOCUMENT.

AN INDICTMENT FOR A VIOLATION OF THIS SECTION:

(1) IS SUFFICIENT IF IT STATES THAT THE DEFENDANT COMMITTED AN UNNATURAL AND PERVERTED SEXUAL PRACTICE WITH A PERSON OR ANIMAL AS APPLICABLE; BUT

(2) NEED NOT STATE THE PARTICULAR:

(I) UNNATURAL OR PERVERTED SEXUAL PRACTICE WITH WHICH THE DEFENDANT IS CHARGED; OR

(II) MANNER IN WHICH THE DEFENDANT COMMITTED THE UNNATURAL OR PERVERTED SEXUAL PRACTICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 554.

In subsection (b) of this section, the phrase "guilty of a misdemeanor" is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared to be a felony by statute is considered to be a misdemeanor. *See State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in subsection (b) of this section, the former reference to imprisonment "in jail or in the house of correction" is deleted in light of CS § 9-103, which requires a judge to sentence an individual to the jurisdiction of the Division of Correction if the individual is required to be incarcerated at a specific State institution, and CS § 9-105, which provides that a judge only may sentence an individual to a local correctional facility if the individual is sentenced for less than 18 months.

Also in subsection (b) of this section, the former phrase "in the discretion of the court" is deleted as implicit in the establishment of maximum penalties.

In subsection (c) of this section, the reference to a violation being "subject to § 5-106(b) of the Courts Article" is substituted for the former reference to imprisonment "in the penitentiary" for clarity and consistency within