

effected by Md. Rule 2-301, which mandates "one form of action known as the 'civil action'".

In subsection (e)(1) of this section, the reference to enjoining conduct proscribed by this "section" is substituted for the former reference to enjoining conduct proscribed by this "article" for consistency within subsection (e) of this section.

In subsection (e)(2) of this section, the reference to "the proceeding for injunctive relief" is substituted for the former reference to "any such proceeding" for clarity.

Also in subsection (e)(2) of this section, the reference to any person found guilty of "violating" this section is substituted for the former reference to any person found guilty of "actions made unlawful by" this section for brevity and consistency with language used in subsection (e)(1) of this section.

Former Art. 27, § 580A2 is deleted as unconstitutional in light of the ruling of the Court of Appeals in *State v. Schuller*, 280 Md. 305 (1977). The Criminal Law Article Review Committee notes, for consideration by the General Assembly, that the Court in *State v. Schuller* found that former Art. 27, § 580A2 was invalid on its face as violating the right to freedom of speech guaranteed by the First and Fourteenth Amendments to the federal Constitution. The court also found that former Art. 27, § 580A2, when coupled with the exemption provided for labor-related picketing contained in former Art. 27, § 580A4(1) (revised as subsection (b)(1) of this section), deprived persons of the right to equal protection of the laws guaranteed by the Fourteenth Amendment to the federal Constitution. The Attorney General reached a similar conclusion in a letter of advice to the Criminal Law Article Review Committee, in which the Attorney General stated that removal of § 580A2 was imperative, and further recommended deletion of the balance of § 580A as well due to the stated constitutional defects. The Attorney General also noted that more limited legislative regulation of residential picketing might be possible under federal precedent. *See* Letter of Advice from Attorney General J. Joseph Curran, Jr. to Judge Alan M. Wilner, pp. 8-10 (October 17, 2000).

Defined term: "Person" § 1-101

3-905. OPENING LETTER WITHOUT PERMISSION.

(A) PROHIBITED.

A PERSON MAY NOT TAKE AND BREAK OPEN A LETTER THAT IS NOT ADDRESSED TO THE PERSON WITHOUT PERMISSION FROM THE PERSON TO WHOM THE LETTER IS ADDRESSED OR THE PERSONAL REPRESENTATIVE OF THE ADDRESSEE'S ESTATE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR 6 DAYS AND A FINE OF \$15.