

Throughout this section, the references to "money" are substituted for the former references to "money, drafts or checks" for brevity and for consistency with §§ 7-113 and 7-114 of this part.

In subsection (a)(2) of this section, the reference to the delivery of receipts to "an official of the elevator storage facility" is substituted for the former reference to "such elevator" for clarity.

In the introductory language of subsection (b) of this section, the reference to the delivery of the bill of lading "to the purchaser" is added for clarity.

Also in the introductory language of subsection (b) of this section, the imperative that a person may not "fail" to deliver certain documents to another person is substituted for the former injunction that a person may not "neglect or refuse" to deliver the documents, for clarity.

Also in the introductory language of subsection (b) of this section, the reference to the delivery of documents "to the party who entrusted the person with money" is added for clarity.

In subsection (b)(1) of this section, the reference to the draft or bill of exchange and other document "required" for shipment of cargo is added for clarity.

In subsection (c) of this section, the former reference to punishment "in the discretion of the court" is deleted as implicit in the establishment of minimum and maximum penalties.

In subsection (d) 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 the violation subjecting the defendant to imprisonment "in the penitentiary", for clarity and consistency within this article. *See* General Revisor's Note to article.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a) of this section, there appears to be an inconsistency between subsection (a)(1), which formerly referred to grain or merchandise in an elevator "in Baltimore City or elsewhere", and subsection (a)(2), transport of the grain or merchandise "from Baltimore City" to the purchaser. If the grain is stored in an elevator that is not in Baltimore City, and is transported to a purchaser who is not in Baltimore City, without passing through an elevator in Baltimore City, this section appears not to apply. The inconsistency dates from the original enactment of the former law. *See* Ch. 223, Acts of 1890. The General Assembly may wish to explore whether this section is still needed and, if so, whether it should apply to grain and merchandise shipped from elevators outside Baltimore City.

Defined term: "Person" § 1-101