

Defined term: "Person" § 1-101

7-309. PENALTY.

(A) FIRST VIOLATION.

FOR A FIRST VIOLATION, A PERSON WHO VIOLATES THIS PART IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,500 OR BOTH FOR EACH INDIVIDUAL ACT IN VIOLATION OF THIS PART.

(B) SUBSEQUENT VIOLATION.

FOR EACH SUBSEQUENT VIOLATION, A PERSON WHO VIOLATES THIS PART IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH FOR EACH INDIVIDUAL ACT IN VIOLATION OF THIS PART.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 467A(d).

In this section, the references to being "guilty of a misdemeanor" are added to state expressly that which only was implied in the former law. In this State, any crime that was not a felony at common law and has not been declared 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).

The references to "each individual act in violation of this part" are substituted for the former references to "[e]ach and every individual violation" for clarity.

In subsection (b) of this section, the reference to "each" subsequent violation is substituted for the former reference to "a" subsequent offense for clarity and consistency within this article.

Defined term: "Person" § 1-101

7-310. FORFEITURE AND DESTRUCTION.

A RECORDED ARTICLE PRODUCED IN VIOLATION OF THIS PART AND ALL EQUIPMENT USED TO PRODUCE THE RECORDED ARTICLE ARE SUBJECT TO FORFEITURE AND DESTRUCTION BY THE APPROPRIATE LAW ENFORCEMENT UNIT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 467A(e).

The former reference to "components" is deleted in light of the comprehensive reference to "all equipment".

The reference to a law enforcement "unit" is substituted for the former reference to a law enforcement "agency" for consistency within this article