

## 8-202. RULES OF CONSTRUCTION.

## (A) COURSE OF CONDUCT.

IF A PERSON VIOLATES §§ 8-203 THROUGH 8-209 OF THIS SUBTITLE AS PART OF ONE SCHEME OR A CONTINUING COURSE OF CONDUCT, FROM THE SAME OR SEVERAL SOURCES:

(1) THE CONDUCT MAY BE CONSIDERED AS ONE VIOLATION; AND

(2) THE VALUE OF MONEY, GOODS, SERVICES, OR THINGS OF VALUE MAY BE AGGREGATED IN DETERMINING IF THE CRIME IS A FELONY OR A MISDEMEANOR.

## (B) APPLICABILITY.

SECTIONS 8-203 THROUGH 8-209 OF THIS SUBTITLE MAY NOT BE CONSTRUED TO PRECLUDE THE APPLICABILITY OF ANY OTHER PROVISION OF THE CRIMINAL LAW OF THIS STATE THAT APPLIES OR MAY APPLY TO ANY TRANSACTION THAT VIOLATES §§ 8-203 THROUGH 8-209 OF THIS SUBTITLE, UNLESS THAT PROVISION IS INCONSISTENT WITH §§ 8-203 THROUGH 8-209 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 145(i) and (j).

Throughout this section, the references to "[§§] 8-203 through 8-209 of this subtitle" are substituted for the former references to "this section" to reflect the reorganization of substantive material derived from former Art. 27, § 145 in those provisions.

Former Art. 27, § 145(k), which provided for the severability of provisions of former Art. 27, § 145, is deleted in light of Art. 1, § 23, which provides that all legislation enacted after July 1, 1979 is presumed to be severable absent specific language to the contrary, and in light of the standard rule of judicial construction favoring severability even in the absence of a severability clause in the statute. *See, e.g., Turner v. State*, 299 Md. 565 (1984): "Perhaps the most important of these principles [of statutory construction] is the presumption, even in the absence of an express clause or declaration, that a legislative body generally intends its enactments to be severed if possible. Moreover, when the dominant purpose of an enactment may largely be carried out, notwithstanding the statute's partial invalidity, courts will generally hold the valid portions severable and enforce them." 299 Md. 565, 576. The Criminal Law Article Review Committee calls this deletion to the attention of the General Assembly.

Defined term: "Person" § 1-101

8-203. FRAUD IN PROCURING ISSUANCE OF CREDIT CARD.<sup>c</sup>

## (A) PROHIBITED.