

Also in subsection (a) of this section, the former reference to an "agreement" is deleted as included in the reference to a "contract".

Also in subsection (a) of this section, the former reference to "neglect[ing] or refus[ing]" is deleted in light of the reference to "fail[ing]".

Also in subsection (a) of this section, the former reference to "perform[ing]" a contract is deleted as included in the reference to "fulfill[ing]" a contract.

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. The failure to comply with the terms of a trust is a statutory offense. Because neither the common law nor the statute establishes that the failure to comply with the terms of a trust is a felony, it 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 "the discretion of the court" to set a penalty 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 the violation subjecting the defendant to imprisonment "in the penitentiary" for clarity and consistency within this article. See General Revisor's Note to article.

Defined term: "Person" § 1-101

8-407. FRAUDULENT CONVERSION OF LEASED OR RENTED GOOD.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO A WRITTEN LEASE NOTWITHSTANDING THAT THE LEASE CONTAINS AN OPTION TO PURCHASE THE GOOD OR THING OF VALUE IF THE LEASE:

- (1) DOES NOT EXCEED A PERIOD OF 6 MONTHS; AND
- (2) IS NOT FOR NOMINAL CONSIDERATION.

(B) PROHIBITED.

A PERSON MAY NOT FRAUDULENTLY CONVERT TO THE PERSON'S OWN USE A GOOD OR THING OF VALUE RECEIVED UNDER A WRITTEN CONTRACT OR WRITTEN LEASE ENTERED INTO FOR THE PURPOSE OF RENTING OR LEASING THINGS FOR VALUABLE CONSIDERATION.

(C) PRIMA FACIE EVIDENCE.

THE FAILURE TO RETURN THE GOOD OR THING OF VALUE TO THE POSSESSION OF, OR ACCOUNT FOR THE GOOD OR THING OF VALUE WITH, THE PERSON WHO