

without substantive change from former Art. 27, § 46.

In subsections (a) and (b) of this section, the defined term “counterfeit” is substituted for the former references to “counterfeit[ing]” a public seal and to using, stealing, affixing, and having a “counterfeit” public seal, although use of the defined term also includes “falsely mak[ing], forg[ing], and materially alter[ing]” a public seal. Any such “falsely made”, “forged”, or “materially altered” public seal would constitute a “counterfeit” public seal under current law. No substantive change is intended.

In subsection (a)(1) of this section, the former reference to the great seal of the State “for the time being” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to the seal of any court “of the State” is added for clarity.

In subsection (b)(2) of this section, the former reference to “true” seals is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to a person “corruptly” affixing a public seal is deleted in light of the reference to a person “falsely” affixing a public seal.

In subsection (b)(4) of this section, the former reference to having a counterfeit instrument in one’s “custody” is deleted as implicit in the reference to “hav[ing] a counterfeit instrument”.

In subsection (c) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which was only 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).

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 “to the penitentiary”, for clarity and consistency within this article. See General Revisor’s Note to article.

Defined terms: “Counterfeit” § 1-101
“Person” § 1-101

8-608. COUNTERFEITING STAMP OF COMPTROLLER.

(A) PROHIBITED.

A PERSON MAY NOT:

- (1) COUNTERFEIT THE STAMP OF THE COMPTROLLER;
- (2) UNLAWFULLY USE OR STEAL THE STAMP OF THE COMPTROLLER;