

(3) UNLAWFULLY AND FALSELY, OR WITH EVIL INTENT, AFFIX THE STAMP OF THE COMPTROLLER TO ANY WRITTEN INSTRUMENT; OR

(4) HAVE AND WILLFULLY CONCEAL A COUNTERFEIT STAMP OF THE COMPTROLLER, IF THE PERSON KNOWS THAT IT WAS COUNTERFEIT.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2 YEARS AND NOT EXCEEDING 10 YEARS.

(C) STATUTE OF LIMITATIONS AND IN BANC REVIEW.

A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 47.

In subsection (a)(1) and (4) of this section, the defined term "counterfeit" is substituted for the former references to "counterfeit[ing]" the stamp of the Comptroller and to using, stealing, affixing, and having a "counterfeit" stamp, although use of the defined term also includes "falsely mak[ing], forg[ing], and materially alter[ing]" the stamp. Any such "falsely made", "forged", or "materially altered" stamp of the Comptroller would constitute a "counterfeit" stamp under current law. No substantive change is intended.

In subsection (a)(3) of this section, the former reference to a person "corruptly" affixing the stamp of the Comptroller is deleted in light of the reference to a person "falsely" affixing the stamp of the Comptroller.

In subsection (a)(4) of this section, the former reference to a person having a counterfeit instrument in the person's "custody" is deleted as implicit in the reference to a person "hav[ing] the counterfeit instrument in the person's "possess[ion]".

In subsection (b) 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 (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.*