

In subsection (a) of this section, the reference to a writ "of administration" is added for clarity.

Also in subsection (a) of this section, the reference to a "part of any of those documents" is substituted for the former reference to a "parcel of the same" for clarity and accuracy.

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

Also in subsection (a) of this section, the former reference to conviction of a person violating this section "within this State" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to an estate or right of a person being "in any way" altered is deleted as surplusage.

In subsection (b) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied in the former law by the reference to a "convict[ion]". 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 "to the penitentiary" for clarity and consistency within this article. *See General Revisor's Note to article.*

Defined term: "Person" § 1-101

8-702. DESTROYING WILL.

(A) PROHIBITED.

UNLESS THE MAKER OF A WILL GIVES INSTRUCTION TO THE PERSON KEEPING THE WILL FOR SAFE CUSTODY, A PERSON WHO RECEIVES A WILL FOR SAFE CUSTODY MAY NOT:

(1) DESTROY THE WILL; OR

(2) AFTER THE PERSON LEARNS OF THE DEATH OF THE MAKER, WILLFULLY HIDE THE WILL FOR A PERIOD OF 6 MONTHS.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 18 MONTHS AND NOT EXCEEDING 15 YEARS.

(C) STATUTE OF LIMITATIONS AND IN BANC REVIEW.