

In subsection (b) of this section, the phrase "guilty of a misdemeanor" is added to state explicitly that which was only implied by the former law. In this State, any crime that was not considered a felony at common law and has not been declared a felony by statute is considered a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 354 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Defined term: "Person" § 1-101

9-603. PRERECORDED EMERGENCY MESSAGE.

(A) PROHIBITED.

A PERSON MAY NOT ATTACH A DEVICE TO A TELEPHONE OR TELEPHONE LINE THAT DIALS BY REMOTE CONTROL A PREPROGRAMMED NUMBER AND TRANSMITS A PRERECORDED MESSAGE COMMUNICATING AN EXISTING EMERGENCY CONDITION, INCLUDING FIRE, ILLNESS, OR CRIME, WITHOUT WRITTEN APPROVAL FOR THE USE OF THE DEVICE FROM THE HOLDER OF THE NUMBER DIALED.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50 FOR EACH VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 557B.

In subsection (a) of this section, the phrase "recipient of the message" is substituted for the former phrase "each holder of the telephone, which receives the prerecorded message" for clarity.

In subsection (b) of this section, the former reference to a "firm, or corporation" is deleted in light of the defined term "person".

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that subsection (a) of this section appears to prohibit the mere attachment of remote dialing equipment rather than its use to transmit a message to a holder of the receiving telephone number. As a result, a person who attaches remote dialing equipment that dials many numbers whose holders have not approved use of the remote dialer would be chargeable only with one violation subject to a \$50 fine, not: (1) \$50 multiplied by the number of unapproving receiving numbers, or (2) \$50 multiplied by the number of remote dialing incidents. The General Assembly may wish to address these matters in substantive legislation.

Defined term: "Person" § 1-101

9-604. FALSE ALARM.

(A) PROHIBITED.

A PERSON MAY NOT KNOWINGLY MAKE OR CAUSE TO BE MADE A FALSE: