

SUBTITLE 5. CRIMES AGAINST MARRIAGE.

10-501. ADULTERY.

(A) PROHIBITED.

A PERSON MAY NOT COMMIT ADULTERY.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION SHALL BE FINED \$10.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 3.

This section is revised in standard language used to describe a statutory crime. Adultery was not a crime at common law, although it did have consequences relating to marriage and divorce. *See Cole v. State*, 126 Md. 239, 94 A. 913 (1915).

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 "conviction". 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).

The former reference to "in any of the circuit courts for counties in this State" is deleted in light of CJ § 4-301, which provides that the District Court generally has exclusive original jurisdiction of common-law and statutory misdemeanors, unless the potential penalty includes confinement for at least 3 years or a fine of at least \$2,500. The Criminal Law Article Review Committee brings this substitution to the attention of the General Assembly.

Defined term: "Person" § 1-101

10-502. BIGAMY.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A PERSON IF:

(1) THE PERSON'S PREVIOUS LAWFUL SPOUSE HAS BEEN ABSENT FROM THE PERSON FOR A CONTINUOUS PERIOD OF 7 YEARS; AND

(2) THE PERSON DOES NOT KNOW WHETHER THE PERSON'S PREVIOUS LAWFUL SPOUSE IS LIVING AT THE TIME OF THE SUBSEQUENT MARRIAGE CEREMONY.

(B) PROHIBITED.