

FOR MONEY OR ANY OTHER THING OR CONSIDERATION OF VALUE, A PERSON MAY NOT PLAY:

- (1) THE GAME CALLED "THIMBLES";
- (2) THE GAME CALLED "LITTLE JOKER";
- (3) DICE OR THE GAME COMMONLY CALLED "CRAP"; OR
- (4) ANY OTHER GAMING DEVICE OR FRAUDULENT TRICK.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 6 MONTHS AND NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$100 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 245.

In the introductory language of subsection (a) of this section, the phrase "or consideration of value" is added for consistency with § 12-102 of this subtitle.

In subsection (a)(4) of this section, the term "gaming device" is substituted for the former term "device" for consistency with § 12-101(d) of this subtitle.

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).

Also in subsection (b) of this section, the reference to a sentence to "imprisonment" is substituted for the former reference to a sentence to being "imprisoned ... in the Maryland House of Correction" for consistency within this article. Currently, inmates are sentenced to the custody of a unit such as the Division of Correction and then are placed in a particular facility. See CS § 9-103.

Also in subsection (b) of this section, the former phrase "in the discretion of the court" is deleted as implicit in the range of penalties set forth in that subsection.

Defined terms: "Gaming device" § 12-101
 "Person" § 1-101

12-104. GAMING DEVICE, OR BUILDING, VESSEL, OR PLACE FOR GAMBLING.

(A) PROHIBITED.