rather than requiring an "indictment", as opposed to any other form of criminal charging document to be used to charge the person. The Criminal Law Article Review Committee brings this deletion to the attention of the General Assembly.

In subsection (a)(1) of this section, the former reference to a "policy, certificate or any other thing by which the vendor or other person promises or guarantees that any particular number, character, ticket, or certificate shall, in any event or on the happening of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property or evidence of debt" is deleted as included in the defined term "lottery device".

In subsection (a)(2) of this section, the reference to "bartering" is substituted for the former reference to "any of the things in the nature thereof mentioned in § 360 of this article" for brevity.

In subsection (c) 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 (c) of this section, the former phrases "in the discretion of the court" are deleted as implicit in the establishment of maximum penalties.

Defined terms: "Lottery device" § 12–201
        "Person" § 1–101

12–205. POSSESSION OF LOTTERY DEVICES AND RECORDS.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A PERSON WHO POSSESSES:

(1) AN ITEM THAT IS PROHIBITED UNDER THIS SECTION THAT WAS OBTAINED TO PROCURE OR FURNISH EVIDENCE OF A VIOLATION OF THIS SUBTITLE; OR

(2) A LOTTERY TICKET OR SLIP ISSUED BY THIS STATE OR ANOTHER GOVERNMENT.

(B) PROHIBITED.

A PERSON MAY NOT:

(1) BRING A LOTTERY DEVICE INTO THE STATE; OR

(2) POSSESS A BOOK, LIST, SLIP, OR RECORD OF: