

(I) THE NUMBERS DRAWN IN A LOTTERY IN THIS STATE OR ANOTHER STATE OR COUNTRY;

(II) A LOTTERY DEVICE; OR

(III) MONEY RECEIVED OR TO BE RECEIVED FROM THE SALE OF A LOTTERY DEVICE.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 362.

In subsection (b) of this section, the former references to a "lottery ticket" and 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" are deleted as included within the defined term "lottery device".

Also in subsection (b) of this section, the reference to "another state or country" is substituted for the former reference to "elsewhere" for clarity and consistency with § 12-202(a) of this subtitle.

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 phrase "in the discretion of the court" is deleted as implicit in the establishment of maximum penalties.

Defined terms: "Lottery device" § 12-201

"Person" § 1-101

"State" § 1-101

12-206. PUBLICATION OF ACCOUNTS OF LOTTERIES AND LOTTERY PRIZES.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A LOTTERY CONDUCTED BY A GOVERNMENT.

(B) PROHIBITED.