

(I) PAY OR DELIVER MONEY, PROPERTY, OR EVIDENCE OF DEBT;
OR

(II) REFUSE TO DO ANYTHING FOR THE BENEFIT OF ANOTHER; OR

(4) PUBLISH A NOTICE OF AN INTENT TO PERFORM OR NOTICE OF A PROPOSAL TO PERFORM ITEMS (1) THROUGH (3) OF THIS SUBSECTION.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT OF NOT LESS THAN 3 MONTHS AND NOT EXCEEDING 6 MONTHS OR A FINE OF NOT LESS THAN \$100 AND NOT EXCEEDING \$1,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 364.

In subsection (a)(1) and (2) of this section, the former references to a "policy or certificate" are deleted as included in the reference to a "lottery ticket".

In subsection (a)(2) of this section, the former phrase "shall prove fortunate or unfortunate" is deleted as included in the phrase "is drawn or not drawn".

In subsection (a)(4) of this section, the reference to "a notice of an intent to perform or a notice of a proposal to perform items (1) through (3) of this subsection" is substituted for the former reference to a "notice or proposal for the purposes aforesaid" for clarity.

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

Defined term: "Person" § 1-101

12-208. CONSTRUCTION OF LOTTERY PROVISIONS.

A COURT SHALL INTERPRET §§ 12-201 THROUGH 12-207 OF THIS SUBTITLE LIBERALLY TO TREAT AS A LOTTERY TICKET ANY TICKET, PART OF A TICKET, OR LOTTERY DEVICE BY WHICH MONEY IS PAID OR ANOTHER ITEM IS DELIVERED WHEN, IN THE NATURE OF A LOTTERY, AN EVENT OR CONTINGENCY OCCURS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 368.