

Defined term: "Lottery device" § 12-201

12-212. BARTER, SALE, OR TRADE OF GIFT ENTERPRISE.

(A) PROHIBITED.

A PERSON MAY NOT DIRECTLY OR INDIRECTLY BARTER, SELL, OR TRADE OR OFFER BY PUBLICATION OR IN ANY OTHER MANNER TO BARTER, SELL, OR TRADE GOODS OR MERCHANDISE, IN A PACKAGE OR IN BULK, IN EXCHANGE FOR A SCHEME OR DEVICE CONSTITUTING A GIFT ENTERPRISE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION SHALL BE SENTENCED TO A FINE OF NOT LESS THAN \$50 FOR EACH VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 369 and 370.

In subsection (a) of this section, the former phrase "by agent or otherwise" is deleted as included in the phrase "directly or indirectly".

Also in subsection (a) of this section, the former reference to "wares" is deleted as included in the reference to "goods or merchandise".

Also in subsection (a) of this section, the former phrase "of any description" is deleted as surplusage.

Also in subsection (a) of this section, the phrase "in exchange for" a scheme or device is substituted for the former phrase "holding out as an inducement for any such" scheme or device for brevity.

Also in subsection (a) of this section, the former reference to an enterprise "of any kind or character whatsoever" is deleted as surplusage.

In subsection (b) of this section, the former archaic reference to a "body corporate" is deleted as included in the defined term "person".

Also in subsection (b) of this section, the former reference to conviction "thereof before any court of competent jurisdiction in this State" is deleted as implicit.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (b) of this section, no maximum penalty is provided.

Defined term: "Person" § 1-101