

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); *State v. Bowser*, 136 Md. 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that it is unclear whether this section applies to raffles conducted under this subtitle because there is no separate penalty for unauthorized raffles.

Defined terms: "Person" § 1-101
 "Qualified organization" § 13-1901

13-1908. RAFFLES.

(A) AUTHORIZED.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A QUALIFIED ORGANIZATION MAY CONDUCT A RAFFLE.

(B) USE OF PROCEEDS.

(1) THE PROCEEDS OF A RAFFLE:

(I) SHALL BENEFIT THE QUALIFIED ORGANIZATION; AND

(II) SHALL BE USED FOR THE PURPOSES OF THE QUALIFIED ORGANIZATION.

(2) EXCEPT FOR A BONA FIDE RAFFLE WINNER, AN INDIVIDUAL OR GROUP MAY NOT:

(I) BENEFIT FINANCIALLY FROM THE HOLDING OF A RAFFLE; OR

(II) RECEIVE OR BE PAID ANY PROCEEDS FROM A RAFFLE FOR PERSONAL USE OR BENEFIT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 27, § 258B(b).

In subsection (a) of this section, the limitation "[s]ubject to subsection (b) of this section" is added to clarify the circumstances under which a qualified organization may conduct a raffle.

Also in subsection (a) of this section, the former reference to "operat[ing]" a raffle is deleted as included in the reference to "conduct[ing]" a raffle.

In subsection (b)(1)(i) of this section, the more common term "benefit" is substituted for the former archaic term "inure" for clarity.

In subsection (b)(1)(ii) of this section, the phrase "be used for the purposes of the qualified organization" is substituted for the former phrase "for the