

5-802. RESERVED.

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PART II. PROHIBITED ACTS; CRIMINAL PENALTIES.

5-804. FALSE REPRESENTATIONS AND STATEMENTS.

(A) PROHIBITION.

A PERSON MAY NOT KNOWINGLY MAKE A FALSE CERTIFICATION, FALSE REPRESENTATION, OR FALSE STATEMENT IN AN APPLICATION, PLAN, RECORD, REPORT, OR OTHER DOCUMENT THAT IS FILED OR REQUIRED TO BE KEPT UNDER THIS TITLE.

(B) CRIMINAL PENALTY.

A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 41(c).

In subsections (a) and (b) of this section, the defined term "person" is substituted for the former word "[w]hoever", in light of § 5-801 of this subtitle.

In subsection (a) of this section, the word "kept" is substituted for the former word "maintained".

In subsection (b) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied by the reference, in former Art. 89, § 41(c), to a "conviction". Since violation of former § 41(c) was not a felony at common law and has not been declared a felony by statute, it is considered to be a misdemeanor. See State v. Canova, 278 Md. 483, 490 (1976), and Dutton v. State, 123 Md. 373, 378 (1914).

As to the substitution of "title" for "subtitle", see the General Revisor's Note to this title.

As to other prohibitions against false statements made to cause an investigation, see Art. 27, §§ 150 and 151.

Defined terms: "Commissioner" § 5-101

"Person" §§ 1-101 and 5-101

5-805. ADVANCE NOTICE OF INSPECTIONS.

(A) PROHIBITION.