

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 354.

In subsection (a) of this section, the reference to "the personal representative of the addressee's estate" is substituted for the former reference to "his executors or administrators," to conform to the terminology used throughout the Estates and Trusts Article.

Also in subsection (a) of this section, the former references to any person "whatsoever" and any letter "whatsoever" are deleted as surplusage.

In subsection (b) of this section, the reference to a person "who violates this section" is added for consistency with other penalty provisions in this subtitle and throughout this article. Similarly, the phrase "is subject to a fine ... and imprisonment" is substituted for the former phrase "shall ... suffer imprisonment ... and be fined".

Also in subsection (b) of this section, the reference to a person who violates this section 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 requirement that the fine imposed be paid "one half to the State and the other half to the informer" is deleted as obsolete in light of Art. 38, § 3, which prohibits the payment of any "portion of any fine ... to any informer".

Defined term: "Person" § 1-101

3-906. DIVULGING OR FAILING TO DELIVER PRIVATE COMMUNICATIONS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "TELEGRAPH COMPANY" HAS THE MEANING STATED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(3) "TELEGRAPH LINES" HAS THE MEANING STATED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(4) "TELEPHONE COMPANY" HAS THE MEANING STATED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(5) "TELEPHONE LINES" HAS THE MEANING STATED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(B) PROHIBITED.