
By: **Delegate J. Kelly**
Introduced and read first time: February 19, 1999
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Firearms - Penalties**

3 FOR the purpose of making it a felony to transport a regulated firearm into the State
4 for the illegal sale or trafficking of a regulated firearm or to recklessly discharge
5 a firearm from a motor vehicle in a certain manner; making it a felony to
6 knowingly participate in a straw purchase of a regulated firearm to a prohibited
7 person or to a minor; and generally relating to the penalty for transporting a
8 regulated firearm into the State for illegal sale or trafficking or participating in
9 a straw purchase of a regulated firearm.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 12A-2 and 449(d)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1998 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 27 - Crimes and Punishments**

18 12A-2.

19 (a) (1) Any person who recklessly engages in conduct that creates a
20 substantial risk of death or serious physical injury to another person is guilty of the
21 misdemeanor of reckless endangerment and on conviction is subject to a fine of not
22 more than \$5,000 or imprisonment for not more than 5 years or both.

23 (2) Subject to the provisions of subsection (b) of this section, any person
24 who recklessly discharges a firearm from a motor vehicle in such a manner that it
25 creates a substantial risk of death or serious physical injury to another person is
26 guilty of the [misdemeanor] FELONY of reckless endangerment and on conviction is
27 subject to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

1 (b) (1) Subsection (a)(1) of this section does not apply to any conduct
2 involving:

3 (i) [The] EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS
4 SECTION, THE use of a motor vehicle as defined in § 11-135 of the Transportation
5 Article; or

6 (ii) The manufacture, production, or sale of any product or
7 commodity.

8 (2) Subsection (a)(2) of this section does not apply to any conduct
9 involving:

10 (i) A law enforcement officer or security guard in the performance
11 of the officer's or security guard's official duty; or

12 (ii) An individual acting in defense of a crime of violence.

13 (c) If more than one person is endangered by the conduct of the defendant, a
14 separate charge may be brought for each person endangered.

15 449.

16 (d) Any person or dealer who is a knowing participant in a straw purchase of
17 a regulated firearm to a prohibited person or to a minor, or transports regulated
18 firearms into this State for the purpose of illegal sale or trafficking of a regulated
19 firearm shall be guilty of a [misdemeanor] FELONY and upon conviction be fined not
20 more than \$25,000 or imprisoned for not more than 10 years, or both. Each violation
21 shall be considered a separate offense.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1999.