

SENATE BILL 539

E1, E4

3lr2837
CF HB 107

By: **Senators Raskin, Conway, Currie, Ferguson, Forehand, Frosh, Garagiola, Jones-Rodwell, King, Madaleno, Manno, McFadden, Montgomery, Peters, Pinsky, Ramirez, Robey, Rosapepe, Young, and Zirkin**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Detachable Magazines – Maximum Capacity for Ammunition**

3 FOR the purpose of altering the maximum capacity for ammunition of a detachable
4 magazine for a firearm that can be sold, offered for sale, purchased, received, or
5 transferred; altering the maximum capacity for ammunition of a magazine,
6 which, when used by a person in the commission of a felony or crime of violence,
7 results in that person being guilty of a misdemeanor and subject to certain
8 penalties; and generally relating to firearms with detachable magazines.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 4–305 and 4–306
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Law**

17 4–305.

18 (a) This section does not apply to a .22 caliber rifle with a tubular magazine.

19 (b) A person may not manufacture, sell, offer for sale, purchase, receive, or
20 transfer a detachable magazine that has a capacity of more than [20] **10** rounds of
21 ammunition for a firearm.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4–306.

2 (a) A person who violates this subtitle is guilty of a misdemeanor and on
3 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
4 \$5,000 or both.

5 (b) (1) A person who uses an assault pistol, or a magazine that has a
6 capacity of more than **[20] 10** rounds of ammunition, in the commission of a felony or
7 a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a
8 misdemeanor and on conviction, in addition to any other sentence imposed for the
9 felony or crime of violence, shall be sentenced under this subsection.

10 (2) (i) For a first violation, the person shall be sentenced to
11 imprisonment for not less than 5 years and not exceeding 20 years.

12 (ii) The court may not impose less than the minimum sentence
13 of 5 years.

14 (iii) The mandatory minimum sentence of 5 years may not be
15 suspended.

16 (iv) Except as otherwise provided in § 4–305 of the Correctional
17 Services Article, the person is not eligible for parole in less than 5 years.

18 (3) (i) For each subsequent violation, the person shall be sentenced
19 to imprisonment for not less than 10 years and not exceeding 20 years.

20 (ii) The court may not impose less than the minimum sentence
21 of 10 years.

22 (iii) A sentence imposed under this paragraph shall be
23 consecutive to and not concurrent with any other sentence imposed for the felony or
24 crime of violence.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2013.