

Chapter 149

(Senate Bill 248)

AN ACT concerning

Criminal Law – Use of Handgun in Crime of Violence or Felony – Statute of Limitations

FOR the purpose of ~~providing that a person who violates~~ extending the statute of limitations for a violation of a certain provision of law prohibiting using a firearm in the commission of a crime of violence or felony ~~is not covered by the 1-year statute of limitations for a misdemeanor;~~ and generally relating to prohibitions on the use of a firearm in the commission of a crime of violence or felony and statutes of limitations.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 5–106(a)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 5–106(dd)

Annotated Code of Maryland

(2013 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,

Article – Criminal Law

Section 4–204

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

5–106.

(a) Except as provided by this section and § 1–303 of the Environment Article, a prosecution for a misdemeanor shall be instituted within 1 year after the offense was committed.

(DD) THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF AN OFFENSE UNDER § 4-204 OF THE CRIMINAL LAW ARTICLE RELATING TO THE USE OF A FIREARM IN THE COMMISSION OF A CRIME OF VIOLENCE OR FELONY IS THE SAME AS THE STATUTE OF LIMITATIONS FOR THE UNDERLYING CRIME.

Article – Criminal Law

4-204.

(a) (1) In this section, “firearm” means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) “Firearm” includes an antique firearm, handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5-101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) The court may not impose less than the minimum sentence of 5 years and, except as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.

~~(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(D) OF THE COURTS ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.