

BY: Delegate Morgan

AMENDMENTS TO HOUSE BILL NO. 297
(First Reading File Bill - Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 19, after the semicolon insert "expanding the current law making it a separate offense to use certain firearms in the commission of a felony or crime of violence by including certain other firearms; establishing that a person convicted of a subsequent offense of using a firearm in the commission of a felony or crime of violence is not eligible for parole for a certain period of time;".

On page 2, in line 24, after the semicolon insert "36L;".

AMENDMENT NO. 2

On page 5, after line 11, insert:

"36L.

(A) IN THIS SECTION, "FIREARM" HAS THE MEANING STATED IN § 441(I) OF THIS ARTICLE.

(B) A PERSON WHO USES A FIREARM IN THE COMMISSION OF A FELONY OR CRIME OF VIOLENCE AS DEFINED IN § 441(E) OF THIS ARTICLE SHALL BE GUILTY OF A SEPARATE MISDEMEANOR AND ON CONVICTION SHALL, IN ADDITION TO ANY OTHER SENTENCE IMPOSED BY VIRTUE OF COMMISSION OF THE FELONY OR MISDEMEANOR:

(1) FOR A FIRST OFFENSE, BE SENTENCED TO THE MARYLAND DIVISION OF CORRECTION FOR A TERM OF NOT LESS THAN 5 NOR MORE THAN 20 YEARS, AND:

(Over)

(I) IT IS MANDATORY ON THE COURT TO IMPOSE NO LESS THAN THE MINIMUM SENTENCE OF 5 YEARS; AND

(II) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 31B, § 11 OF THE CODE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 5 YEARS; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, BE SENTENCED TO THE MARYLAND DIVISION OF CORRECTION FOR A TERM OF NOT LESS THAN 5 NOR MORE THAN 20 YEARS, AND;

(I) IT IS MANDATORY ON THE COURT TO IMPOSE NO LESS THAN A MINIMUM SENTENCE OF 5 YEARS WHICH SHALL BE SERVED CONSECUTIVELY AND NOT CONCURRENTLY TO ANY OTHER SENTENCE IMPOSED BY VIRTUE OF THE COMMISSION OF THE FELONY OR MISDEMEANOR; AND

(II) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 31B, § 11 OF THE CODE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 5 YEARS.”.