

By: Senator Sfikas

Requested: October 27, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Use in Commission of a Felony or Crime of Violence - Mandatory Sentence**

3 FOR the purpose of altering the mandatory minimum sentence imposed for the use of a
4 handgun or an antique firearm capable of being concealed on the person in the
5 commission of a felony or crime of violence; eliminating the distinction between a
6 first offense and subsequent offense; requiring that the mandatory minimum
7 sentence be served consecutively to any other sentence imposed for the underlying
8 crime; making a person who commits such an offense ineligible for parole for a
9 certain number of years; providing a certain exception; and generally relating to the
10 use of a handgun in the commission of a felony or crime of violence.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 36B(d)
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1995 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 36B.

20 (d) Any person who shall use a handgun or an antique firearm capable of being
21 concealed on the person in the commission of any felony or any crime of violence as
22 defined in § 441 of this article shall be guilty of a separate misdemeanor and on
23 conviction thereof shall BE SENTENCED, in addition to any other sentence imposed by
24 virtue of commission of said felony or MISDEMEANOR, [misdemeanor:

25 (1) For a first offense, be sentenced] to the Maryland Division of
26 Correction for a term of not less than 5 nor more than 20 years, and:

27 [(i)] (1) It is mandatory upon the court to impose no less than [the]
28 A minimum sentence of 5 years THAT SHALL BE SERVED CONSECUTIVELY AND NOT
29 CONCURRENTLY TO ANY OTHER SENTENCE IMPOSED BY VIRTUE OF THE
30 COMMISSION OF SAID FELONY OR MISDEMEANOR; and

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1 [(ii)] (2) Except as otherwise provided in Article 31B, § 11 of the
2 Code, the person is not eligible for parole in less than 5 years[; and

3 (2) For a second or subsequent offense, be sentenced to the Maryland
4 Division of Correction for a term of not less than 5 nor more than 20 years, and it is
5 mandatory upon the court to impose no less than a minimum consecutive sentence of 5
6 years which shall be served consecutively and not concurrently to any other sentence
7 imposed by virtue of the commission of said felony or misdemeanor].

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1996.