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**By: Senators Kelley, Sfikas, Stone, Green, McFadden, Kasemeyer, McCabe, Forehand, Ferguson, Bromwell, and Colburn**

Introduced and read first time: January 22, 1996

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Use of Bulletproof Body Armor in the Commission of a Crime of Violence**

3 FOR the purpose of establishing that a person who uses certain bulletproof body armor in  
4 the commission of a crime of violence is guilty of a separate misdemeanor;  
5 establishing certain penalties; providing for the prospective application of this Act;  
6 defining certain terms; and generally relating to the use of certain bulletproof body  
7 armor in the commission of a crime of violence.

8 BY adding to

9 Article 27 - Crimes and Punishments  
10 Section 27A to be under the new subheading "Bulletproof Body Armor"  
11 Annotated Code of Maryland  
12 (1992 Replacement Volume and 1995 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 **BULLETPROOF BODY ARMOR**

17 27A.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "AMMUNITION" MEANS ANY CARTRIDGE, SHELL, OR OTHER DEVICE  
21 CONTAINING EXPLOSIVE OR INCENDIARY MATERIAL DESIGNED AND INTENDED  
22 FOR USE IN A FIREARM.

23 (3) "BULLETPROOF BODY ARMOR" MEANS ANY MATERIAL OR OBJECT  
24 THAT IS DESIGNED TO COVER OR BE WORN ON ANY PART OF THE BODY TO  
25 PREVENT, DEFLECT, OR SLOW DOWN THE PENETRATION OF AMMUNITION.

26 (4) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 643B(A) OF  
27 THIS ARTICLE.

28 (5) "FIREARM" INCLUDES:

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1 (I) A HANDGUN, ANTIQUE FIREARM, RIFLE, SHOTGUN,  
2 SHORT-BARRELED SHOTGUN, OR SHORT-BARRELED RIFLE, AS DEFINED IN § 36F OF  
3 THIS ARTICLE;

4 (II) A MACHINE GUN, AS DEFINED IN § 372 OF THIS ARTICLE;

5 (III) A PISTOL, REVOLVER, OR ANTIQUE PISTOL OR REVOLVER, AS  
6 DEFINED IN § 441 OF THIS ARTICLE;

7 (IV) AN ASSAULT PISTOL, AS DEFINED IN § 36H-1 OF THIS ARTICLE;  
8 AND

9 (V) AN ASSAULT WEAPON, AS DEFINED IN § 481E OF THIS ARTICLE.

10 (B) ANY PERSON WHO USES BULLETPROOF BODY ARMOR IN THE  
11 COMMISSION OF A CRIME OF VIOLENCE IS GUILTY OF A SEPARATE MISDEMEANOR  
12 AND ON CONVICTION, IN ADDITION TO ANY OTHER SENTENCE IMPOSED BY VIRTUE  
13 OF COMMISSION OF THE CRIME OF VIOLENCE, IS SUBJECT TO A FINE OR  
14 IMPRISONMENT OR BOTH WHICH MAY NOT EXCEED THE MAXIMUM PUNISHMENT  
15 PRESCRIBED FOR THE UNDERLYING CRIME OF VIOLENCE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed  
17 only prospectively and may not be applied or interpreted to have any effect on or  
18 application to any offense committed before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 1996.