
By: Senator Ferguson

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Wearing, Carrying, or Transporting in Commission of a Felony Crime of**
3 **Violence**

4 FOR the purpose of making it a separate misdemeanor to wear, carry, or transport a
5 handgun or certain other firearm in the commission of a felony or crime of violence;
6 making certain mandatory minimum penalties applicable to the offense; specifying
7 that a person who is convicted of an offense under this Act is ineligible for parole
8 for a certain period of time; providing for a certain exception; requiring that for a
9 second or subsequent offense a certain mandatory minimum sentence be served
10 consecutively to any other sentence imposed by virtue of the commission of the
11 felony or crime of violence; and generally relating to the wearing, carrying, or
12 transporting of a handgun in the commission of a felony or crime of violence.

13 BY repealing and reenacting, with amendments,
14 Article 27 - Crimes and Punishments
15 Section 36B(d)
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1995 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 36B.

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

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

29 (i) It is mandatory upon the court to impose no less than the
30 minimum sentence of 5 years; and

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1 (ii) Except as otherwise provided in Article 31B, § 11 of the Code, the
2 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.