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**By: Delegates Harkins, Poole, Preis, Stull, Edwards, Jacobs, Stup, Elliott, Brinkley,  
Getty, Hutchins, Owings, Fry, and Perry**

Introduced and read first time: January 23, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Firearms - Drug Trafficking Crimes - Penalties**

3 FOR the purpose of altering certain maximum and minimum terms of imprisonment for  
4 first-time and repeat offenders who are convicted of possessing, using, wearing,  
5 carrying, or transporting a firearm during and in relation to a drug trafficking crime;  
6 and generally relating to penalties for possessing a firearm during a drug trafficking  
7 crime.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 281A(b)  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume)

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 281A.

17 (b) During and in relation to any drug trafficking crime, a person who possesses a  
18 firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime  
19 or who uses, wears, carries, or transports a firearm is guilty of a separate felony and on  
20 conviction shall, in addition to the sentence provided for the drug trafficking crime, be  
21 sentenced as follows:

22 (1) (i) For a first offense, for a term of not less than 5 nor more than  
23 [20] 25 years.

24 (ii) It is mandatory upon the court to impose no less than the  
25 minimum sentence of 5 years, no part of which may be suspended and the person may not  
26 be eligible for parole except in accordance with the provisions of Article 31B, § 11 of the  
27 Code; and

28 (2) (i) For a second or subsequent offense, for a term of not less than  
29 [10] 15 nor more than [20] 25 years.

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1                   (ii) It is mandatory upon the court to impose no less than a minimum  
2 consecutive sentence of 10 years, no part of which may be suspended and the person may  
3 not be eligible for parole except in accordance with the provisions of Article 31B, § 11 of  
4 the Code.

5                   (iii) The sentence shall be served consecutively and not concurrently to  
6 any other sentence imposed by virtue of the commission of the drug trafficking crime.

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1997.