
By: Delegate Kelly

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Firearms - Penalties**

3 FOR the purpose of making it a felony to knowingly participate in a straw purchase of a
4 regulated firearm to a prohibited person or to a minor, or to transport a regulated
5 firearm into this State for the purpose of illegal sale or trafficking of a regulated
6 firearm; making it a felony to recklessly discharge a firearm from a motor vehicle in
7 a certain manner; making a technical change; and generally relating to the penalty
8 for participating in a straw purchase of a regulated firearm or transporting a
9 regulated firearm into the State for illegal sale or trafficking.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 12A-2 and 449(d)
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

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

17 **Article 27 - Crimes and Punishments**

18 12A-2.

19 (a) (1) Any person who recklessly engages in conduct that creates a substantial
20 risk of death or serious physical injury to another person is guilty of the misdemeanor of
21 reckless endangerment and on conviction is subject to a fine of not more than \$5,000 or
22 imprisonment for not more than 5 years or both.

23 (2) Subject to the provisions of subsection (b) of this section, any person
24 who recklessly discharges a firearm from a motor vehicle in such a manner that it creates
25 a substantial risk of death or serious physical injury to another person is guilty of the
26 [misdemeanor] FELONY of reckless endangerment and on conviction is subject to a fine
27 not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

28 (b) This section does not apply to any conduct involving:

29 (1) [The] EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS
30 SECTION, use of a motor vehicle as defined in § 11-135 of the Transportation Article;

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1 (2) The manufacture, production, or sale of any product or commodity;

2 (3) A law enforcement officer or security guard in the performance of the
3 officer's or security guard's official duty; or

4 (4) An individual acting in defense of a crime of violence.

5 (c) If more than one person is endangered by the conduct of the defendant, a
6 separate charge may be brought for each person endangered.

7 449.

8 (d) Any person or dealer who is a knowing participant in a straw purchase of a
9 regulated firearm to a prohibited person or to a minor, or transports regulated firearms
10 into this State for the purpose of illegal sale or trafficking of a regulated firearm shall be
11 guilty of a [misdemeanor] FELONY and upon conviction be fined not more than \$25,000
12 or imprisoned for not more than 10 years, or both. Each violation shall be considered a
13 separate offense.

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