
By: Delegate Perry

Introduced and read first time: February 21, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Wearing, Carrying, or Transporting - Operability of Handgun**

3 FOR the purpose of prohibiting a person from wearing, carrying, or transporting a
4 handgun, regardless of whether the handgun is operable or inoperable at the time of
5 the offense; and generally relating to the wearing, carrying, and transporting of
6 handguns.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 36B(b)
10 Annotated Code of Maryland
11 (1996 Replacement Volume)

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

14 **Article 27 - Crimes and Punishments**

15 36B.

16 (b) Any person who shall wear, carry, or transport any handgun, whether
17 concealed or open, **WHETHER OPERABLE OR INOPERABLE AT THE TIME OF THE**
18 **OFFENSE**, upon or about his person, and any person who shall wear, carry or knowingly
19 transport any handgun, whether concealed or open, **WHETHER OPERABLE OR**
20 **INOPERABLE AT THE TIME OF THE OFFENSE**, in any vehicle traveling upon the public
21 roads, highways, waterways, or airways or upon roads or parking lots generally used by the
22 public in this State shall be guilty of a misdemeanor; and it shall be a rebuttable
23 presumption that the person is knowingly transporting the handgun; and on conviction of
24 the misdemeanor shall be fined or imprisoned as follows:

25 (i) If the person has not previously been convicted of unlawfully wearing,
26 carrying or transporting a handgun in violation of this section, or of unlawfully using a
27 handgun in the commission of a crime in violation of subsection (d) of this section, or of
28 unlawfully carrying a concealed weapon in violation of § 36 of this article, or of unlawfully
29 carrying a deadly weapon on public school property in violation of § 36A of this article, he
30 shall be fined not less than two hundred and fifty (\$250.00) dollars, nor more than
31 twenty-five hundred (\$2,500.00) dollars, or be imprisoned in jail or sentenced to the
32 Maryland Division of Correction for a term of not less than 30 days nor more than three

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1 years, or both; provided, however, that if it shall appear from the evidence that the
2 handgun was worn, carried, or transported on any public school property in this State, the
3 court shall impose a sentence of imprisonment of not less than 90 days.

4 (ii) If the person has previously been once convicted of unlawfully wearing,
5 carrying, or transporting a handgun in violation of this section, or of unlawfully using a
6 handgun in the commission of a crime in violation of subsection (d) of this section, or of
7 unlawfully carrying a concealed weapon in violation of § 36 of this article, or of unlawfully
8 carrying a deadly weapon on public school property in violation of § 36A of this article, he
9 shall be sentenced to the Maryland Division of Correction for a term of not less than 1
10 year nor more than 10 years, and it is mandatory upon the court to impose no less than
11 the minimum sentence of 1 year; provided, however, that if it shall appear from the
12 evidence that the handgun was worn, carried, or transported on any public school
13 property in this State, the court shall impose a sentence of imprisonment of not less than
14 three years.

15 (iii) If the person has previously been convicted more than once of
16 unlawfully wearing, carrying, or transporting a handgun in violation of this section, or of
17 unlawfully using a handgun in the commission of a crime in violation of subsection (d) of
18 this section, or of unlawfully carrying a concealed weapon in violation of § 36 of this
19 article, or of unlawfully carrying a deadly weapon on public school property in violation of
20 § 36A of this article, or any combination thereof, he shall be sentenced to the Maryland
21 Division of Correction for a term of not less than three years nor more than 10 years, and
22 it is mandatory upon the court to impose no less than the minimum sentence of three
23 years; provided, however, that if it shall appear from the evidence that the handgun was
24 worn, carried, or transported on any public school property in this State, the court shall
25 impose a sentence of imprisonment of not less than 5 years.

26 (iv) If it shall appear from the evidence that any handgun referred to in this
27 subsection was carried, worn, or transported with the deliberate purpose of injuring or
28 killing another person, the court shall impose a sentence of imprisonment of not less than
29 5 years.

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