
By: Senator Sfikas

Requested: October 24, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Use in the Commission of a Felony or Crime of Violence - Mandatory**
3 **Sentence**

4 FOR the purpose of making a person ineligible for parole for a certain number of years
5 if the person is convicted for a second time of using a handgun in the commission of
6 a felony or crime of violence; and generally relating to penalties for crimes involving
7 the use of a handgun.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 36B(d)
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 36B.

17 (d) Any person who shall use a handgun or an antique firearm capable of being
18 concealed on the person in the commission of any felony or any crime of violence as
19 defined in § 441 of this article, whether operable or inoperable at the time of the offense,
20 shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to
21 any other sentence imposed by virtue of commission of said felony or misdemeanor:

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

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

26 (ii) Except as otherwise provided in Article 31B, § 11 of the Code, the
27 person is not eligible for parole in less than 5 years; and

28 (2) For a second or subsequent offense, be sentenced to the Maryland
29 Division of Correction for a term of not less than 5 nor more than 20 years, and:

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1 (I) [it] IT is mandatory upon the court to impose no less than a
2 minimum consecutive sentence of 5 years which shall be served consecutively and not
3 concurrently to any other sentence imposed by virtue of the commission of said felony or
4 misdemeanor; AND

5 (II) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 31B, § 11 OF THE
6 CODE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 5 YEARS.

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