
By: Senators Ferguson, Stone, and Colburn

Introduced and read first time: January 15, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns - Wearing, Carrying, or Transporting in Commission of a Felony or 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 (1996 Replacement Volume)

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, whether operable or inoperable
25 at the time of the offense, shall be guilty of a separate misdemeanor and on conviction
26 thereof shall, in addition to any other sentence imposed by virtue of commission of said
27 felony or misdemeanor:

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

30 (i) It is mandatory upon the court to impose no less than the
31 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, 1997.