
By: **Senator Ferguson**

Introduced and read first time: February 6, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Use of a Firearm in the Commission of a Felony**

3 FOR the purpose of repealing provisions that require the imposition of a mandatory
4 minimum term of imprisonment on a person who uses a certain type of firearm
5 in the commission of a felony or crime of violence; and generally relating to
6 crimes, firearms and mandatory minimum penalties.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 36B(d)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

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

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

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

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

1 (2) For a second or subsequent offense, be sentenced to the Maryland
2 Division of Correction for a term [of not less than 5 nor more than] NOT EXCEEDING
3 20 years, [and it is mandatory upon the court to impose no less than a minimum
4 consecutive sentence of 5 years] which shall be served consecutively and not
5 concurrently to any other sentence imposed by virtue of the commission of said felony
6 or misdemeanor.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1998.