
By: **Senator Mooney**
Introduced and read first time: February 1, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Use of a Handgun in Commission of a Crime - Penalties**

3 FOR the purpose of increasing the minimum penalty for a person who uses a certain
4 handgun or antique firearm capable of being concealed on the person in the
5 commission of any felony or of certain crimes of violence; increasing the
6 mandatory minimum penalty for the offense; increasing the time before a
7 certain person becomes eligible for parole for the offense; increasing the
8 minimum penalty for subsequent violations of the offense; increasing the
9 minimum consecutive penalty for the offense; and generally relating to penalties
10 for a person who uses a certain handgun or antique firearm capable of being
11 concealed on the person in the commission of any felony or of certain crimes of
12 violence under certain circumstances.

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 and 1998 Supplement)

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 a handgun or an antique firearm capable of
23 being concealed on the person in the commission of any felony or any crime of violence
24 as defined in § 441 of this article, whether operable or inoperable at the time of the
25 offense, shall be guilty of a separate misdemeanor and on conviction thereof shall, in
26 addition to any other sentence imposed by virtue of commission of said felony or
27 misdemeanor:

28 (1) For a first offense, be sentenced to the Maryland Division of
29 Correction for a term of not less than [5] 10 nor more than 20 years, and:

1 (i) It is mandatory upon the court to impose no less than the
2 minimum sentence of [5] 10 years; and

3 (ii) Except as otherwise provided in Article 31B, § 11 of the Code,
4 the person is not eligible for parole in less than [5] 10 years; and

5 (2) For a second or subsequent offense, be sentenced to the Maryland
6 Division of Correction for a term of not less than [5] 10 nor more than 20 years, and
7 it is mandatory upon the court to impose no less than a minimum consecutive
8 sentence of [5] 10 years which shall be served consecutively and not concurrently to
9 any other sentence imposed by virtue of the commission of said felony or
10 misdemeanor.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1999.