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By: **Delegates Amedori, Getty, Elliott, Stocksdale, Bartlett, Boschert,  
Brinkley, DeCarlo, Edwards, Glassman, Greenip, Klausmeier, Ports,  
Redmer, Rzepkowski, Shank, Snodgrass, Stull, Weir, Riley, Baldwin, and  
Boutin**

Introduced and read first time: January 26, 2000  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Unlawful Use of Firearms in Commission of Crimes**

3 FOR the purpose of altering a provision that prohibits the use of certain firearms in  
4 the commission of certain crimes; and generally relating to the use of firearms.

5 BY repealing and reenacting, with amendments,  
6 Article 27 - Crimes and Punishments  
7 Section 36B(d)  
8 Annotated Code of Maryland  
9 (1996 Replacement Volume and 1999 Supplement)

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

12 **Article 27 - Crimes and Punishments**

13 36B.

14 (d) (1) IN THIS SUBSECTION, "FIREARM" INCLUDES:

15 (I) ANTIQUE FIREARM, RIFLE, SHOTGUN, SHORT-BARRELED  
16 SHOTGUN, AND SHORT-BARRELED RIFLE, AS THOSE TERMS ARE DEFINED IN § 36F OF  
17 THIS ARTICLE;

18 (II) MACHINE GUN, AS DEFINED IN § 372 OF THIS ARTICLE; AND

19 (III) REGULATED FIREARM, AS DEFINED IN § 441 OF THIS ARTICLE.

20 (2) [Any] A person who shall use a [handgun or an antique firearm  
21 capable of being concealed on the person] FIREARM in the commission of any felony or  
22 any crime of violence as defined in § 441 of this article, whether operable or  
23 inoperable at the time of the offense, shall be guilty of a separate misdemeanor and on

1 conviction thereof shall, in addition to any other sentence imposed by virtue of  
2 commission of said felony or misdemeanor:

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

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

7                               [(ii)]  2.       Except as otherwise provided in § 4-305 of the  
8 Correctional Services Article, the person is not eligible for parole in less than 5 years;  
9 and

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

15       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2000.