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2002 Regular Session 2lr1876 CF 2lr1875

By: Delegates Doory and Getty (Committee to Revise Article 27 - Crimes and Punishments)

Introduced and read first time: February 6, 2002

Assigned to: Judiciary

A BILL ENTITLED

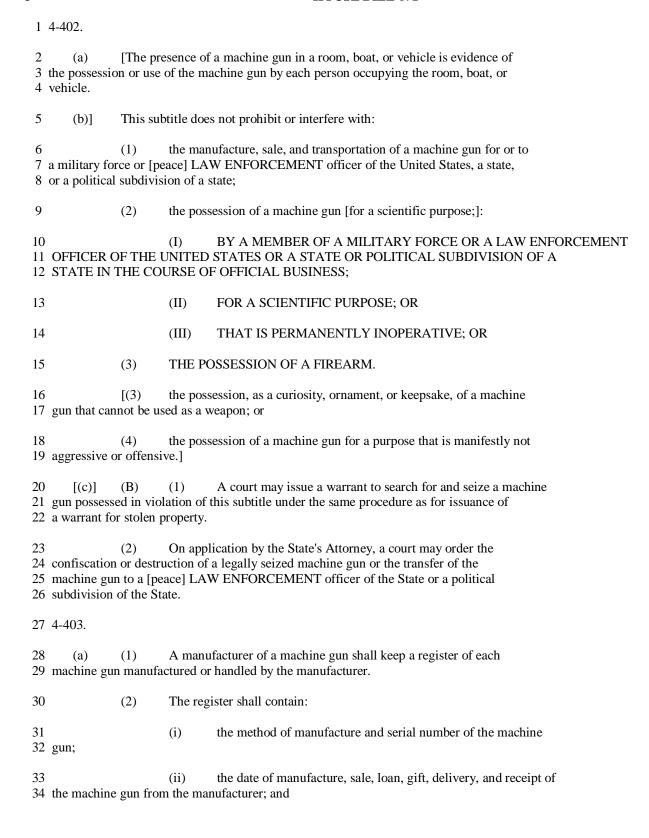
1 AN ACT concerning

2 Criminal Law - Machine Gun Act - Revision

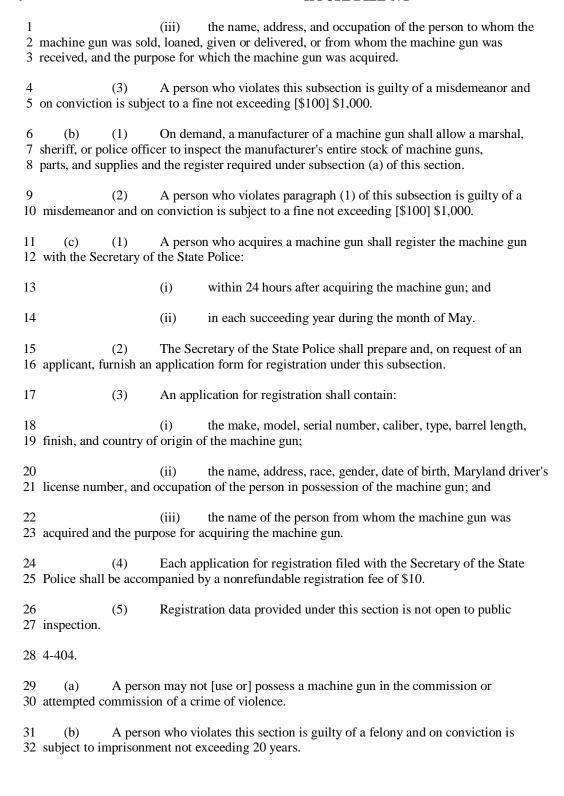
3	FOR the purpose of altering certain provisions of law regarding the regulation of
4	machine guns; repealing a requirement that the presence of a machine gun in
5	certain locations is evidence of the possession or use of the machine gun by
6	certain persons; altering the application of certain provisions of law relating to
7	the regulation of machine guns; repealing a certain presumption that the
8	possession or use of a machine gun is for an offensive or aggressive purpose
9	under certain circumstances; repealing a prohibition against the possession or
10	use of a machine gun for an offensive or aggressive purpose; repealing a certain
11	construction of certain provisions of law; repealing a certain citation of certain
12	provisions of law; prohibiting a person from possessing a machine gun that is
13	not registered in a certain manner; prohibiting certain persons convicted of
14	certain crimes under the laws of another state or the United States that would
15	be a crime of violence in this State from using or possessing a machine gun;
16	prohibiting the court from imposing less than a certain mandatory minimum

- 17 sentence under certain circumstances; altering certain penalties; establishing
- 18 certain penalties; altering a certain definition; and generally relating to the
- 19 regulation of machine guns.
- 20 BY repealing and reenacting, with amendments,
- Article Criminal Law 21
- 22 Section 4-401 through 4-404
- 23 Annotated Code of Maryland
- 24 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
- 25
- 26 BY repealing
- Article Criminal Law 27
- 28 Section 4-405 through 4-407
- 29 Annotated Code of Maryland
- 30 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
- 31 2002)

 1 BY adding to 2 Article - Criminal Law 3 Section 4-405 and 4-406 4 Annotated Code of Maryland 5 (As enacted by Chapter (H.B. 11) of the Acts of the General Assembly of 6 2002) 7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 						
	8 MARYLAND, That the Laws of Maryland read as follows:					
9	9 Article - Criminal Law					
10 4-401.						
11	(a)	In this subtitle the following words have the meanings indicated.				
12	[(b)	(1)	"Crime	of violence" means:		
13			(i)	murder in any degree;		
14			(ii)	manslaughter;		
15			(iii)	kidnapping;		
16			(iv)	rape in any degree;		
17			(v)	assault in the first degree;		
18			(vi)	robbery under § 3-402 or § 3-403 of this article;		
19			(vii)	burglary in any degree;		
20			(viii)	escape in the first degree; or		
21			(ix)	theft.]		
22 (B) (1) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN ARTICLE 27, § 23 441(E) OF THE CODE.						
24 25 [par	24 (2) "Crime of violence" includes an attempt to commit a crime listed in 25 [paragraph (1) of this subsection] ARTICLE 27, § 441(E) OF THE CODE.					
26 (c) "Machine gun" means a loaded or unloaded weapon that is capable of 27 automatically discharging more than one shot or bullet from a magazine by a single 28 function of the firing device.						



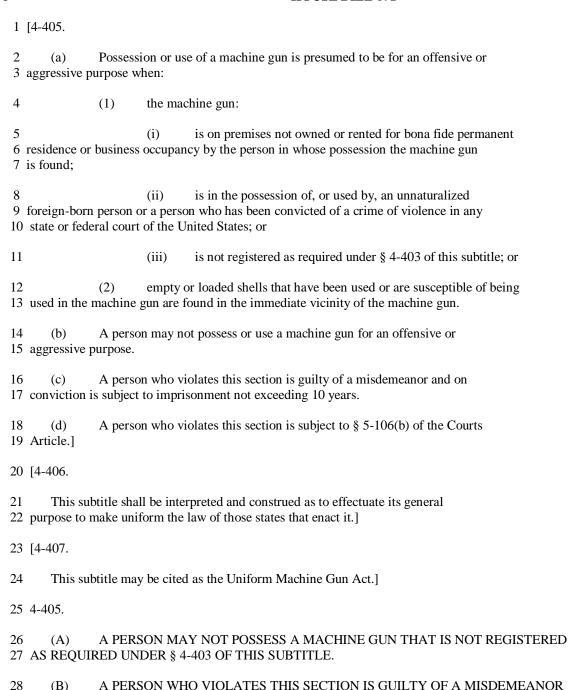
HOUSE BILL 671



31

(C)

32 COURTS ARTICLE.



29 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT IN THE STATE PENITENTIARY 30 FOR A TERM NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF THE

- 1 4-406.
- 2 (A) A PERSON WHO HAS BEEN CONVICTED OF A CRIME UNDER THE LAWS OF
- 3 ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME OF VIOLENCE IF
- 4 COMMITTED IN THIS STATE MAY NOT USE OR POSSESS A MACHINE GUN.
- 5 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
- 6 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR A TERM OF
- 7 NOT LESS THAN 5 YEARS AND NOT MORE THAN 10 YEARS.
- 8 (2) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE, THE 9 COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 5
- 10 YEARS.
- 11 (3) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
- 12 MINIMUM SENTENCE OF 5 YEARS.
- 13 (4) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES
- 14 ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT ELIGIBLE FOR
- 15 PAROLE IN LESS THAN 5 YEARS.
- 16 (5) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(B) OF
- 17 THE COURTS ARTICLE.
- 18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 19 effect October 1, 2002.