Unofficial Copy E4 2002 Regular Session 2lr1875 CF 2lr1876

By: Senators Stone and Hughes (Committee to Revise Article 27 - Crimes and Punishments)

Introduced and read first time: January 30, 2002

Assigned to: Judicial Proceedings

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 machine guns; repealing a requirement that the presence of a machine gun in 4 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 possession or use of a machine gun is for an offensive or aggressive purpose 8 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 construction of certain provisions of law; repealing a certain citation of certain 11 12 provisions of law; prohibiting a person from possessing a machine gun that is not registered in a certain manner; prohibiting certain persons convicted of 13 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

- 20 BY repealing and reenacting, with amendments,
- 21 Article Criminal Law
- 22 Section 4-401 through 4-404

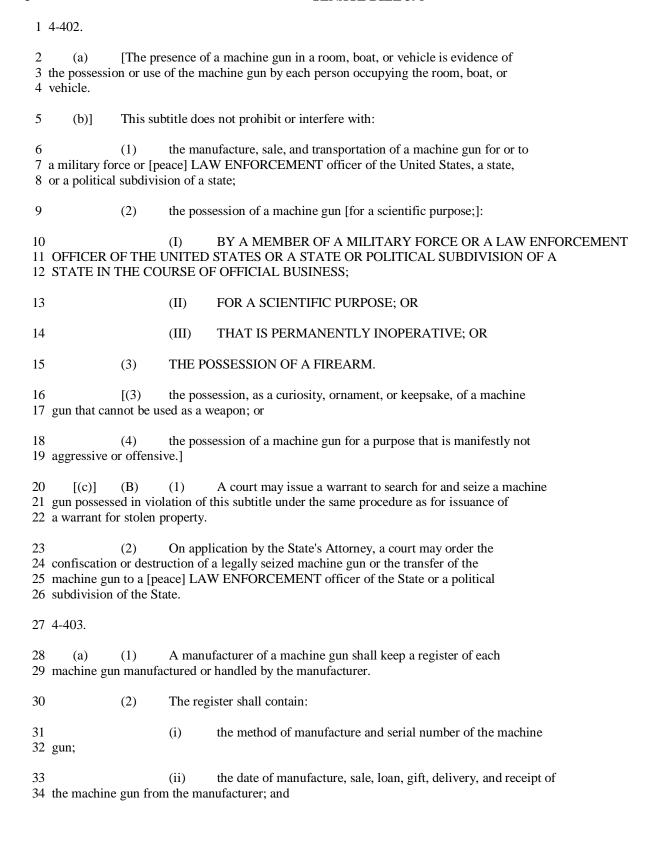
regulation of machine guns.

- 23 Annotated Code of Maryland
- 24 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
- 25 2002)
- 26 BY repealing

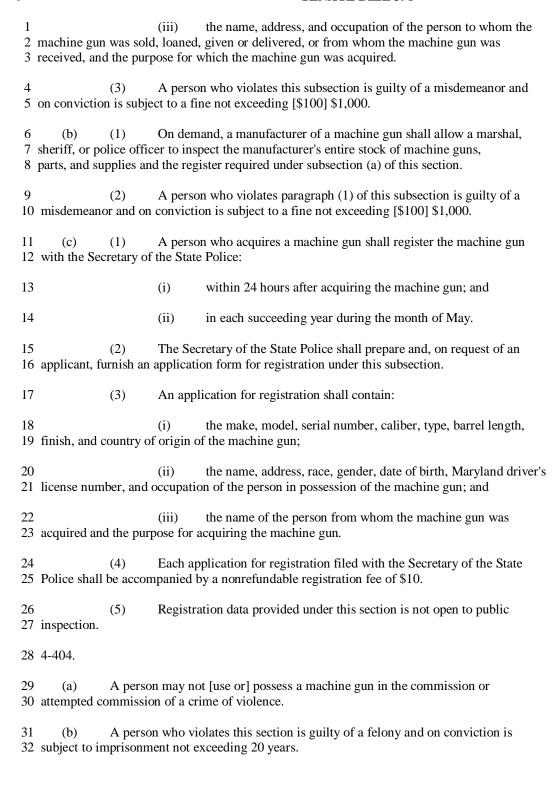
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- 27 Article Criminal Law
- 28 Section 4-405 through 4-407
- 29 Annotated Code of Maryland
- 30 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
- 31 2002)

_	SENATE DIEL 370				
1 2 3 4 5 6	Section 4-405 and 4-406 Annotated Code of Maryland (As enacted by Chapter (H.B. 11) of the Acts of the General Assembly of				
7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 8 MARYLAND, That the Laws of Maryland read as follows:					
9	Article - Criminal Law				
10 4-401.					
11	(a)	In this	In this subtitle the following words have the meanings indicated.		
12	2 [(b)	(1)) "Crime of violence" means:		
13	3		(i)	murder in any degree;	
14	1		(ii)	manslaughter;	
15	5		(iii)	kidnapping;	
16	5		(iv)	rape in any degree;	
17	7		(v)	assault in the first degree;	
18	3		(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, \S 23 $441(E)$ OF THE CODE.				
24 25	(2) "Crime of violence" includes an attempt to commit a crime listed in [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.					



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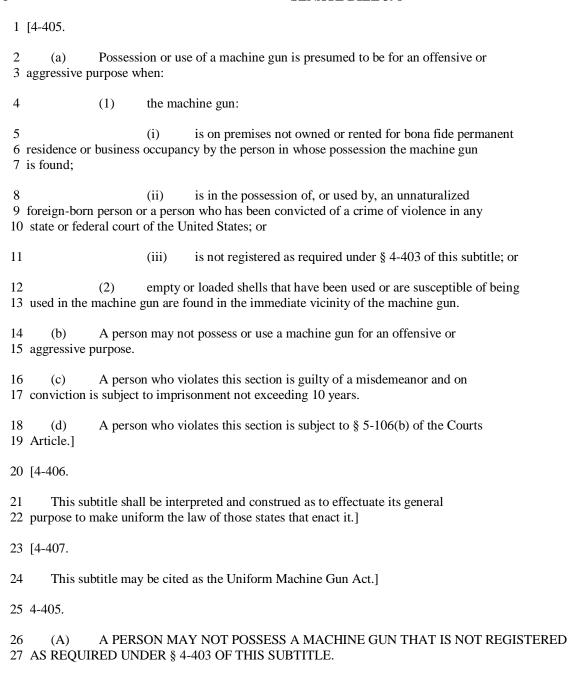


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(C)

32 COURTS ARTICLE.



A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR

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

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.

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.
- $16 \hspace{1.5cm} (5) \hspace{1.5cm} A$ PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO \S 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.