

SENATE BILL 389

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2003 Regular Session
3lr0147
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By: **The President (By Request - Administration) and Senators Haines, Jimeno, Stoltzfus, Stone, Harris, DeGrange, Hooper, Jacobs, Kittleman, Lawlah, Mooney, Munson, Pipkin, Schrader, Brinkley, Brochin, Colburn, Greenip, and Hafer**

Introduced and read first time: January 31, 2003

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Firearms - Project Exile**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the
4 pretrial release of a defendant charged with certain crimes; requiring a judge to
5 consider as a rebuttable presumption that a defendant charged with certain
6 crimes will flee and pose a danger to another person or the community;
7 prohibiting a certain panel of judges, when reviewing a sentence, from
8 decreasing a mandatory minimum sentence imposed for crimes involving
9 firearms under certain circumstances; making it a felony to possess and intend
10 to use a firearm, display a firearm in a threatening manner, or use or attempt to
11 use a firearm on school property; making it a felony to use a firearm in the
12 commission of certain crimes; repealing a prohibition relating to firearms and
13 persons with certain convictions for controlled dangerous substances offenses;
14 expanding certain prohibitions to apply to all firearms; expanding the type of
15 crimes to which certain prohibitions relating to firearms apply; adding and
16 altering certain penalties, including mandatory minimum penalties;
17 establishing and altering certain requirements and procedures relating to
18 certain sentences; adding a certain exception; adding and altering certain
19 definitions; and generally relating to firearms crimes.

20 BY repealing and reenacting, with amendments,

21 Article - Criminal Procedure
22 Section 5-202(c), 8-105, and 8-107(c)
23 Annotated Code of Maryland
24 (2001 Volume and 2002 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article - Criminal Law
27 Section 4-102, 4-201, 4-204, 4-306(b), and 5-621(c)
28 Annotated Code of Maryland

1 (2002 Volume)

2 BY repealing and reenacting, without amendments,

3 Article - Criminal Law

4 Section 5-621(a) and (b)

5 Annotated Code of Maryland

6 (2002 Volume)

7 BY repealing

8 Article - Criminal Law

9 Section 5-622

10 Annotated Code of Maryland

11 (2002 Volume)

12 BY repealing and reenacting, with amendments,

13 Article - Public Safety

14 Section 5-101(c) and (g), 5-133(c) and (d)

15 Annotated Code of Maryland

16 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of

17 2003)

18 BY adding to

19 Article - Public Safety

20 Section 5-133(d)

21 Annotated Code of Maryland

22 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of

23 2003)

24 BY repealing and reenacting, without amendments,

25 Article - Public Safety

26 Section 5-101(h), 5-133(b), and 5-143

27 Annotated Code of Maryland

28 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of

29 2003)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

31 MARYLAND, That the Laws of Maryland read as follows:

32 **Article - Criminal Procedure**

33 5-202.

34 (c) (1) A District Court commissioner may not authorize the pretrial release

35 of a defendant charged with a crime of violence if the defendant has been previously

36 convicted:

- 1 (i) in this State of a crime of violence; or
- 2 (ii) in any other jurisdiction of a crime that would be a crime of
- 3 violence if committed in this State.

4 (2) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE THE

5 PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH VIOLATING:

- 6 (I) § 4-102 OF THE CRIMINAL LAW ARTICLE IF THE OFFENSE
- 7 INVOLVES A FIREARM;
- 8 (II) § 4-204, § 4-306(B), OR § 5-621 OF THE CRIMINAL LAW ARTICLE;
- 9 (III) § 5-133(B), (C), OR (D) OF THE PUBLIC SAFETY ARTICLE.

10 [(2)] (3) (i) A judge may authorize the pretrial release of a defendant

11 described in [paragraph (1)] PARAGRAPH (1) OR (2) of this subsection on:

- 12 1. suitable bail;
- 13 2. any other conditions that will reasonably ensure that the
- 14 defendant will not flee or pose a danger to another person or the community; or
- 15 3. both bail and other conditions described under item 2 of
- 16 this subparagraph.

17 (ii) When a defendant described in [paragraph (1)] PARAGRAPH (1)

18 OR (2) of this subsection is presented to the court under Maryland Rule 4-216(g), the

19 judge shall order the continued detention of the defendant if the judge determines

20 that neither suitable bail nor any condition or combination of conditions will

21 reasonably ensure that the defendant will not flee or pose a danger to another person

22 or the community before the trial.

23 [(3)] (4) There is a rebuttable presumption that a defendant described in

24 [paragraph (1)] PARAGRAPH (1) OR (2) of this subsection will flee and pose a danger to

25 another person or the community.

26 8-105.

27 (a) A review panel consists of three or more circuit court judges of the judicial

28 circuit in which the sentencing court is located.

29 (b) Notwithstanding any Maryland Rule, the sentencing judge may not be a

30 member of the review panel, but on request of the sentencing judge, the sentencing

31 judge may sit with the review panel only in an advisory capacity.

32 (c) (1) A review panel shall consider each application for review of a

33 sentence.

34 (2) A review panel may require the Division of Parole and Probation to

35 make investigations, reports, and recommendations.

1 (3) A review panel:

2 (i) with or without a hearing, may decide that the sentence under
3 review should remain unchanged; or

4 (ii) after a hearing, may order a different sentence to be imposed or
5 served, including:

6 1. an increased sentence;

7 2. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
8 SUBSECTION AND subject to § 8-107(c) of this subtitle, a decreased sentence;

9 3. a suspended sentence to be served wholly or partly; or

10 4. a sentence to be suspended with or without probation.

11 (4) In deciding to order a different sentence, the review panel may
12 impose conditions that the review panel considers just and that could have been
13 imposed lawfully by the sentencing court when the sentence was imposed.

14 (5) A REVIEW PANEL MAY NOT DECREASE A SENTENCE TO LESS THAN
15 THE MANDATORY MINIMUM SENTENCE REQUIRED TO BE IMPOSED UNDER THE
16 FOLLOWING SECTIONS:

17 (I) § 4-102 OF THE CRIMINAL LAW ARTICLE IF THE OFFENSE
18 INVOLVES A FIREARM;

19 (II) § 4-204, § 4-306(B), OR § 5-621 OF THE CRIMINAL LAW ARTICLE;
20 OR

21 (III) § 5-133(B), (C), OR (D) OF THE PUBLIC SAFETY ARTICLE.

22 (d) If the review panel orders a different sentence, the review panel shall
23 resentence and notify the defendant in accordance with the order of the panel.

24 8-107.

25 (c) (1) THIS SUBSECTION DOES NOT APPLY TO A MANDATORY MINIMUM
26 SENTENCE THAT MAY NOT BE DECREASED UNDER § 8-105(B)(5) OF THIS SUBTITLE.

27 (2) A review panel may not order a decrease in a mandatory minimum
28 sentence unless the decision of the review panel is unanimous.

29 **Article - Criminal Law**

30 4-102.

31 (a) This section does not apply to:

32 (1) a law enforcement officer in the regular course of the officer's duty;

1 (2) a person hired by a county board of education specifically for the
2 purpose of guarding public school property;

3 (3) a person engaged in organized shooting activity for educational
4 purposes; [or]

5 (4) a person who, with a written invitation from the school principal,
6 displays or engages in a historical demonstration using a weapon or a replica of a
7 weapon for educational purposes; OR

8 (5) A PERSON AUTHORIZED BY LAW TO POSSESS OR CARRY A WEAPON.

9 (b) [A] ON PUBLIC SCHOOL PROPERTY, A person may not:

10 (1) carry or possess a firearm, knife, or deadly weapon of any kind [on
11 public school property]; OR

12 (2) POSSESS WITH INTENT TO USE A FIREARM, DISPLAY A FIREARM IN A
13 THREATENING MANNER, OR USE OR ATTEMPT TO USE A FIREARM.

14 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
15 violates SUBSECTION (B)(1) OF this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
17 \$1,000 or both.

18 (2) A person who is convicted of carrying or possessing a handgun in
19 violation of SUBSECTION (B)(1) OF this section shall be sentenced under Subtitle 2 of
20 this title.

21 (3) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS
22 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT
23 LESS THAN 5 YEARS AND NOT MORE THAN 20 YEARS.

24 (4) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE, THE
25 COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 5
26 YEARS.

27 (5) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
28 MINIMUM SENTENCE OF 5 YEARS.

29 (6) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES
30 ARTICLE, A PERSON SENTENCED UNDER THIS SUBSECTION MAY NOT BE ELIGIBLE
31 FOR PAROLE IN LESS THAN 5 YEARS.

32 4-201.

33 (a) In this subtitle the following words have the meanings indicated.

34 (b) "Antique firearm" means:

1 (1) a firearm, including a firearm with a matchlock, flintlock, percussion
2 cap, or similar ignition system, manufactured before 1899; or

3 (2) a replica of a firearm described in item (1) of this subsection that:

4 (i) is not designed or redesigned to use rimfire or conventional
5 centerfire fixed ammunition; or

6 (ii) uses rimfire or conventional centerfire fixed ammunition that is
7 no longer manufactured in the United States and is not readily available in the
8 ordinary channels of commercial trade.

9 (C) "FIREARM" MEANS AN ANTIQUE FIREARM, HANDGUN, MACHINE GUN,
10 RIFLE, SHORT-BARRELED RIFLE, SHORT-BARRELED SHOTGUN, OR SHOTGUN.

11 [(c)] (D) (1) "Handgun" means a pistol, revolver, or other firearm capable of
12 being concealed on the person.

13 (2) "Handgun" includes a short-barreled shotgun and a short-barreled
14 rifle.

15 (3) "Handgun" does not include a shotgun, rifle, or antique firearm.

16 [(d)] (E) "Law enforcement official" means:

17 (1) a full-time member of a police force or other unit of the United
18 States, a state, a county, a municipal corporation, or other political subdivision of a
19 state who is responsible for the prevention and detection of crime and the
20 enforcement of the laws of the United States, a state, a county, a municipal
21 corporation, or other political subdivision of a state;

22 (2) a part-time member of a police force of a county or municipal
23 corporation who is certified by the county or municipal corporation as being trained
24 and qualified in the use of handguns; or

25 (3) a fire investigator of the Prince George's County Fire Department
26 who:

27 (i) is certified by Prince George's County as being trained and
28 qualified in the use of handguns; and

29 (ii) has met the minimum qualifications and has satisfactorily
30 completed the training required by the Maryland Police Training Commission.

31 [(e)] (F) "Rifle" means a weapon that is:

32 (1) designed or redesigned, made or remade, and intended to be fired
33 from the shoulder; and

1 (2) designed or redesigned, and made or remade to use the energy of the
2 explosive in a fixed metallic cartridge to fire only a single projectile through a rifled
3 bore for each single pull of the trigger.

4 [(f)] (G) "Short-barreled rifle" means:

5 (1) a rifle that has one or more barrels less than 16 inches long; or

6 (2) a weapon that has an overall length of less than 26 inches and that
7 was made from a rifle, whether by alteration, modification, or otherwise.

8 [(g)] (H) "Short-barreled shotgun" means:

9 (1) a shotgun that has one or more barrels less than 18 inches long; or

10 (2) a weapon that has an overall length of less than 26 inches long and
11 was made from a shotgun, whether by alteration, modification, or otherwise.

12 [(h)] (I) "Shotgun" means a weapon that is:

13 (1) designed or redesigned, made or remade, and intended to be fired
14 from the shoulder; and

15 (2) designed or redesigned and made or remade to use the energy of the
16 explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles
17 for each pull of the trigger.

18 [(i)] (J) "Vehicle" means a motor vehicle as defined in Title 11, Subtitle 1 of
19 the Transportation Article, a train, an aircraft, or a vessel.

20 4-204.

21 (a) A person may not use [an antique] A firearm [capable of being concealed
22 on the person or any handgun] in the commission of a crime of violence, as defined in
23 Article 27, § 441 of the Code, or any felony, whether the [antique] firearm [or
24 handgun] is operable or inoperable at the time of the crime.

25 (b) (1) (i) A person who violates this section is guilty of a [misdemeanor]
26 FELONY and, in addition to any other penalty imposed for the crime of violence or
27 felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding
28 20 years.

29 (ii) The court may not impose less than the minimum sentence of 5
30 years [and, except].

31 (III) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE,
32 THE MANDATORY MINIMUM SENTENCE OF 5 YEARS MAY NOT BE SUSPENDED.

33 (IV) EXCEPT as otherwise provided in § 4-305 of the Correctional
34 Services Article, the person is not eligible for parole in less than 5 years.

1 (2) For each subsequent violation, the sentence shall be consecutive to
2 and not concurrent with any other sentence imposed for the crime of violence or
3 felony.

4 4-306.

5 (b) (1) A person who uses an assault pistol, or a magazine that has a
6 capacity of more than 20 rounds of ammunition, in the commission of a felony or a
7 crime of violence as defined in Article 27, § 441 of the Code is guilty of a misdemeanor
8 and on conviction, in addition to any other sentence imposed for the felony or crime of
9 violence, shall be sentenced under this subsection.

10 (2) (i) For a first violation, the person shall be sentenced to
11 imprisonment for not less than 5 years and not exceeding 20 years.

12 (ii) The court may not impose less than the minimum sentence of 5
13 years.

14 (iii) [The] NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW
15 ARTICLE, THE mandatory minimum sentence of 5 years may not be suspended.

16 (iv) Except as otherwise provided in § 4-305 of the Correctional
17 Services Article, the person is not eligible for parole in less than 5 years.

18 (3) (i) For each subsequent violation, the person shall be sentenced to
19 imprisonment for not less than 10 years and not exceeding 20 years.

20 (ii) The court may not impose less than the minimum sentence of
21 10 years.

22 (III) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE,
23 THE MANDATORY MINIMUM SENTENCE OF 10 YEARS MAY NOT BE SUSPENDED.

24 (IV) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
25 CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN
26 LESS THAN 10 YEARS.

27 [(iii)] (V) A sentence imposed under this paragraph shall be
28 consecutive to and not concurrent with any other sentence imposed for the felony or
29 crime of violence.

30 5-621.

31 (a) (1) In this section the following words have the meanings indicated.

32 (2) "Drug trafficking crime" means a felony or a conspiracy to commit a
33 felony involving the possession, distribution, manufacture, or importation of a
34 controlled dangerous substance under §§ 5-602 through 5-609 and 5-614 of this
35 article.

1 (3) "Forfeiting authority" means the office or person designated by
2 agreement between the State's Attorney for a county and the chief executive officer of
3 the governing body that has jurisdiction over the assets subject to forfeiture.

4 (b) During and in relation to a drug trafficking crime, a person may not:

5 (1) possess a firearm under sufficient circumstances to constitute a
6 nexus to the drug trafficking crime; or

7 (2) use, wear, carry, or transport a firearm.

8 (c) (1) In addition to the sentence provided for the drug trafficking crime, a
9 person who violates subsection (b) of this section is guilty of a felony and on conviction
10 is subject to:

11 (i) for a first violation, imprisonment for not less than 5 years and
12 not exceeding 20 years; or

13 (ii) for each subsequent violation, imprisonment for not less than
14 10 years and not exceeding 20 years.

15 (2) (i) The court shall impose a minimum sentence of 5 years under
16 paragraph (1)(i) of this subsection.

17 (ii) The court shall impose a minimum sentence of 10 years under
18 paragraph (1)(ii) of this subsection.

19 (3) (i) [A] NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW
20 ARTICLE, A court may not suspend any part of a mandatory minimum sentence.

21 (ii) Except as provided in § 4-305 of the Correctional Services
22 Article, a person sentenced under this subsection is not eligible for parole IN LESS
23 THAN THE MINIMUM SENTENCE REQUIRED TO BE IMPOSED.

24 (iii) A sentence imposed under paragraph (1)(ii) of this subsection
25 shall be consecutive to and not concurrent with any other sentence imposed by virtue
26 of the commission of the drug trafficking crime.

27 [5-622.

28 (a) In this section, "firearm" includes:

29 (1) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun,
30 and short-barreled rifle, as those words are defined in § 4-201 of this article;

31 (2) a machine gun, as defined in § 4-401 of this article; and

32 (3) a regulated firearm, as defined in Article 27, § 441 of the Code.

33 (b) A person may not possess, own, carry, or transport a firearm if that person
34 has been convicted of:

- 1 (1) a felony under this title;
- 2 (2) a crime under the laws of another state or of the United States that
3 would be a felony under this title if committed in this State;
- 4 (3) conspiracy to commit a crime referred to in paragraphs (1) and (2) of
5 this subsection; or
- 6 (4) an attempt to commit a crime referred to in paragraphs (1) and (2) of
7 this subsection.
- 8 (c) A person who violates this section is guilty of a felony and on conviction is
9 subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or
10 both.]

11 **Article - Public Safety**

12 5-101.

- 13 (c) "Crime of violence" means:
- 14 (1) abduction;
- 15 (2) arson in the first degree;
- 16 (3) assault in the first or second degree;
- 17 (4) burglary in the first, second, or third degree;
- 18 (5) carjacking and armed carjacking;
- 19 (6) escape in the first degree;
- 20 (7) kidnapping;
- 21 (8) voluntary manslaughter;
- 22 (9) maiming as previously proscribed under former Article 27, § 386 of
23 the Code;
- 24 (10) mayhem as previously proscribed under former Article 27, § 384 of
25 the Code.
- 26 (11) murder in the first or second degree;
- 27 (12) rape in the first or second degree;
- 28 (13) robbery;
- 29 (14) robbery with a dangerous weapon;

1 (15) sexual offense in the first, second, or third degree;

2 (16) an attempt OR CONSPIRACY to commit any of the crimes listed in
3 items (1) through (15) of this subsection; or

4 (17) assault with intent to commit any of the crimes listed in items (1)
5 through (15) of this subsection or a crime punishable by imprisonment for more than
6 1 year.

7 (g) "Disqualifying crime" means:

8 (1) a crime of violence;

9 (2) a violation classified as a felony in the State, OR AN ATTEMPT OR
10 CONSPIRACY TO COMMIT A FELONY; or

11 (3) a violation classified as a misdemeanor in the State that carries a
12 statutory penalty of more than 2 years, OR AN ATTEMPT OR CONSPIRACY TO COMMIT
13 A MISDEMEANOR THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS.

14 (h) (1) "Firearm" means:

15 (i) a weapon that expels, is designed to expel, or may readily be
16 converted to expel a projectile by the action of an explosive; or

17 (ii) the frame or receiver of such a weapon.

18 (2) "Firearm" includes a starter gun.

19 5-133.

20 (b) A person may not possess a regulated firearm if the person:

21 (1) has been convicted of a disqualifying crime;

22 (2) has been convicted of a violation classified as a common law crime
23 and received a term of imprisonment of more than 2 years;

24 (3) is a fugitive from justice;

25 (4) is a habitual drunkard;

26 (5) is addicted to a controlled dangerous substance or is a habitual user;

27 (6) suffers from a mental disorder as defined in § 10-101(f)(2) of the
28 Health - General Article and has a history of violent behavior against the person or
29 another, unless the person has a physician's certificate that the person is capable of
30 possessing a regulated firearm without undue danger to the person or to another;

31 (7) has been confined for more than 30 consecutive days to a facility as
32 defined in § 10-101 of the Health - General Article, unless the person has a

1 physician's certificate that the person is capable of possessing a regulated firearm
2 without undue danger to the person or to another;

3 (8) is a respondent against whom a current non ex parte civil protective
4 order has been entered under § 4-506 of the Family Law Article; or

5 (9) if under the age of 30 years at the time of possession, has been
6 adjudicated delinquent by a juvenile court for an act that would be a disqualifying
7 crime if committed by an adult.

8 (c) (1) IN THIS SUBSECTION, "CRIME OF VIOLENCE" DOES NOT INCLUDE
9 ASSAULT IN THE SECOND DEGREE IF THE DEFENDANT RECEIVED A TERM OF
10 IMPRISONMENT OF 2 YEARS OR LESS, NOT INCLUDING ANY SUSPENDED PORTION OF
11 THE SENTENCE.

12 (2) A person may not possess a [regulated] firearm if the person was
13 previously convicted of:

14 (i) a crime of violence;

15 (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, §
16 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article OR
17 AN ATTEMPT OR CONSPIRACY TO COMMIT A CRIME DESCRIBED IN THIS ITEM; [or]

18 (iii) any other violation classified as a felony in the State; OR

19 (IV) A CRIME UNDER THE LAWS OF ANOTHER STATE OR OF THE
20 UNITED STATES THAT WOULD BE A CRIME UNDER ITEM (I) OR ITEM (II) OF THIS
21 PARAGRAPH IF COMMITTED IN THIS STATE.

22 [(2)] (3) (I) A person who violates this subsection is guilty of a felony
23 and on conviction is subject to imprisonment for not less than 5 years[, no part of
24 which may be suspended] AND NOT MORE THAN 20 YEARS.

25 (II) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE,
26 THE COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF
27 5 YEARS.

28 (III) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
29 MINIMUM SENTENCE OF 5 YEARS.

30 [(3)] (IV) A person sentenced under [paragraph (1) of] this subsection
31 may not be eligible for parole IN LESS THAN 5 YEARS.

32 [(4)] (V) Each violation of this subsection is a separate crime.

33 (D) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON MAY NOT
34 POSSESS A FIREARM IF THE PERSON WAS PREVIOUSLY CONVICTED OF A FELONY, OR
35 AN ATTEMPT OR CONSPIRACY TO COMMIT A FELONY.

1 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY
2 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2 YEARS
3 AND NOT MORE THAN 10 YEARS.

4 (3) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE, THE
5 COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 2
6 YEARS.

7 (4) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
8 MINIMUM SENTENCE OF 2 YEARS.

9 (5) A PERSON SENTENCED UNDER THIS SUBSECTION MAY NOT BE
10 ELIGIBLE FOR PAROLE IN LESS THAN 2 YEARS.

11 (6) EACH VIOLATION OF THIS SUBSECTION IS A SEPARATE CRIME.

12 [(d)] (E) (1) Except as provided in paragraph (2) of this subsection, a person
13 who is under the age of 21 years may not possess a regulated firearm or ammunition
14 solely designed for a regulated firearm.

15 (2) Unless a person is otherwise prohibited from possessing a regulated
16 firearm, this subsection does not apply to:

17 (i) the temporary transfer or possession of a regulated firearm or
18 ammunition solely designed for a regulated firearm if the person is:

19 1. under the supervision of another who is at least 21 years
20 old and who is not prohibited by State or federal law from possessing a firearm; and

21 2. acting with the permission of the parent or legal guardian
22 of the transferee or person in possession;

23 (ii) the transfer by inheritance of title, and not of possession, of a
24 regulated firearm;

25 (iii) a member of the armed forces of the United States or the
26 National Guard while performing official duties;

27 (iv) the temporary transfer or possession of a regulated firearm or
28 ammunition solely designed for a regulated firearm if the person is:

29 1. participating in marksmanship training of a recognized
30 organization; and

31 2. under the supervision of a qualified instructor;

32 (v) a person who is required to possess a regulated firearm for
33 employment and who holds a permit under Subtitle 3 of this title; or

1 (vi) the possession of a firearm or ammunition for self-defense or
2 the defense of others against a trespasser into the residence of the person in
3 possession or into a residence in which the person in possession is an invited guest.

4 5-143.

5 (a) Except as otherwise provided in this subtitle, a dealer or other person may
6 not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or
7 receipt of a regulated firearm in violation of this subtitle.

8 (b) A person who violates this section is guilty of a misdemeanor and on
9 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
10 \$10,000 or both.

11 (c) Each violation of this section is a separate crime.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2003.