

(PRE-FILED)

By: **Delegates Sophocleus, Barkley, Boschert, Cadden, Conroy, Dumais,
Heller, and Quinter**

Requested: July 6, 2004

Introduced and read first time: January 12, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Use of Firearm in Commission of Crime**

3 FOR the purpose of making it a misdemeanor to use any firearm capable of being
4 concealed on the person in the commission of a crime of violence or a felony,
5 whether or not the firearm is operable at the time of the crime; imposing certain
6 penalties; providing for the application of this Act; and generally relating to the
7 use of a firearm in the commission of a felony or a crime of violence.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 4-204
11 Annotated Code of Maryland
12 (2002 Volume and 2004 Supplement)

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

15 **Article - Criminal Law**

16 4-204.

17 (a) A person may not use [an antique firearm capable of being concealed on
18 the person or any handgun] A FIREARM in the commission of a crime of violence, as
19 defined in § 5-101 of the Public Safety Article, or any felony, whether the [antique
20 firearm or handgun] FIREARM is operable or inoperable at the time of the crime.

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

24 (ii) The court may not impose less than the minimum sentence of 5
25 years and, except as otherwise provided in § 4-305 of the Correctional Services
26 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
5 construed to apply only prospectively and may not be applied or interpreted to have
6 any effect on or application to any person who uses a firearm in the commission of a
7 felony or a crime of violence before the effective date of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.