
By: **Senators Garagiola, Britt, Conway, Currie, Exum, Forehand, Frosh,
Gladden, Grosfeld, Hollinger, Hughes, Jones, Kasemeyer, Kelley,
Kramer, Lawlah, McFadden, Miller, Pinsky, Ruben, and Teitelbaum**

Introduced and read first time: January 19, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Assault Weapons Criminal Penalty Enhancement Act of 2005**

3 FOR the purpose of designating certain firearms as assault weapons; designating
4 assault rifles and copycat weapons as types of assault weapons; making it a
5 misdemeanor to use an assault rifle or a copycat weapon in the commission of a
6 felony or a crime of violence; providing certain penalties; defining certain terms;
7 providing for the effective date of this Act; and generally relating to assault
8 weapons.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Law
11 Section 4-301 and 4-306 to be under the amended subtitle "Subtitle 3. Assault
12 Weapons and Detachable Magazines"
13 Annotated Code of Maryland
14 (2002 Volume and 2004 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Public Safety
17 Section 5-101(c) and (p)
18 Annotated Code of Maryland
19 (2003 Volume and 2004 Supplement)

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

1

Article - Criminal Law

2

Subtitle 3. Assault [Pistols] WEAPONS and Detachable Magazines.

3 4-301.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) [In this subtitle, "assault" "ASSAULT pistol" means any of the following
7 firearms [or a copy regardless of the producer or manufacturer]:

- 8 (1) AA Arms AP-9 semiautomatic pistol;
- 9 (2) Bushmaster semiautomatic pistol;
- 10 (3) Claridge HI-TEC semiautomatic pistol;
- 11 (4) D Max Industries semiautomatic pistol;
- 12 (5) Encom MK-IV, MP-9, or MP-45 semiautomatic pistol;
- 13 (6) Heckler and Koch semiautomatic SP-89 pistol;
- 14 (7) Holmes MP-83 semiautomatic pistol;
- 15 (8) Ingram MAC 10/11 semiautomatic pistol and variations including the
16 Partisan Avenger and the SWD Cobray;
- 17 (9) Intratec TEC-9/DC-9 semiautomatic pistol in any centerfire
18 variation;
- 19 (10) P.A.W.S. type semiautomatic pistol;
- 20 (11) Skorpion semiautomatic pistol;
- 21 (12) Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);
- 22 (13) UZI semiautomatic pistol;
- 23 (14) Weaver Arms semiautomatic Nighthawk pistol; or
- 24 (15) Wilkinson semiautomatic "Linda" pistol.

25 (C) "ASSAULT RIFLE" MEANS ANY REGULATED FIREARM DESCRIBED UNDER §
26 5-101(P)(2) OF THE PUBLIC SAFETY ARTICLE.

27 (D) "ASSAULT WEAPON" MEANS:

- 28 (1) AN ASSAULT PISTOL;

1 (2) AN ASSAULT RIFLE; OR

2 (3) A COPYCAT WEAPON.

3 (E) (1) "COPYCAT WEAPON" MEANS:

4 (I) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT CAN ACCEPT A
5 DETACHABLE MAGAZINE AND ANY OF THE FOLLOWING:

6 1. A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY
7 BENEATH THE ACTION OF THE WEAPON;

8 2. A THUMBHOLE STOCK;

9 3. A FOLDING OR TELESCOPING STOCK;

10 4. A GRENADE LAUNCHER OR FLARE LAUNCHER;

11 5. A FLASH SUPPRESSOR; OR

12 6. A FORWARD PISTOL GRIP;

13 (II) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS A FIXED
14 MAGAZINE WITH THE CAPACITY TO ACCEPT MORE THAN 10 ROUNDS;

15 (III) A SEMIAUTOMATIC, CENTERFIRE RIFLE THAT HAS AN OVERALL
16 LENGTH OF LESS THAN 30 INCHES;

17 (IV) A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A DETACHABLE
18 MAGAZINE AND ANY OF THE FOLLOWING:

19 1. A THREADED BARREL CAPABLE OF ACCEPTING A FLASH
20 SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;

21 2. A SECOND HANDGRIP; OR

22 3. A SHROUD THAT IS ATTACHED TO OR PARTIALLY OR
23 COMPLETELY ENCIRCLES THE BARREL, EXCEPT FOR A SLIDE THAT ENCLOSSES THE
24 BARREL, THAT ALLOWS THE BEARER TO FIRE THE WEAPON WITHOUT BURNING THE
25 BEARER'S HAND;

26 (V) A SEMIAUTOMATIC PISTOL THAT CAN ACCEPT A DETACHABLE
27 MAGAZINE OUTSIDE THE PISTOL GRIP;

28 (VI) A SEMIAUTOMATIC PISTOL WITH A FIXED MAGAZINE THAT CAN
29 ACCEPT MORE THAN 10 ROUNDS;

30 (VII) A SEMIAUTOMATIC SHOTGUN THAT HAS BOTH OF THE
31 FOLLOWING:

32 1. A FOLDING OR TELESCOPING STOCK; AND

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

3 (iii) The mandatory minimum sentence of 5 years may not be
4 suspended.

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

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

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

11 (iii) A sentence imposed under this paragraph shall be consecutive
12 to and not concurrent with any other sentence imposed for the felony or crime of
13 violence.

14 (C) (1) A PERSON WHO USES AN ASSAULT RIFLE OR A COPYCAT WEAPON IN
15 THE COMMISSION OF A FELONY OR A CRIME OF VIOLENCE IS GUILTY OF A
16 MISDEMEANOR AND ON CONVICTION, IN ADDITION TO ANY OTHER SENTENCE
17 IMPOSED FOR THE FELONY OR CRIME OF VIOLENCE, SHALL BE SENTENCED UNDER
18 THIS SUBSECTION.

19 (2) (I) FOR A FIRST VIOLATION, THE PERSON SHALL BE SENTENCED
20 TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

21 (II) FOR EACH SUBSEQUENT VIOLATION, THE PERSON SHALL BE
22 SENTENCED TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

23 (III) A SENTENCE IMPOSED UNDER THIS PARAGRAPH SHALL BE
24 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
25 FOR THE FELONY OR CRIME OF VIOLENCE.

26 **Article - Public Safety**

27 5-101.

28 (c) "Crime of violence" means:

29 (1) abduction;

30 (2) arson in the first degree;

31 (3) assault in the first or second degree;

32 (4) burglary in the first, second, or third degree;

33 (5) carjacking and armed carjacking;

- 1 (6) escape in the first degree;
- 2 (7) kidnapping;
- 3 (8) voluntary manslaughter;
- 4 (9) maiming as previously proscribed under former Article 27, § 386 of
5 the Code;
- 6 (10) mayhem as previously proscribed under former Article 27, § 384 of
7 the Code;
- 8 (11) murder in the first or second degree;
- 9 (12) rape in the first or second degree;
- 10 (13) robbery;
- 11 (14) robbery with a dangerous weapon;
- 12 (15) sexual offense in the first, second, or third degree;
- 13 (16) an attempt to commit any of the crimes listed in items (1) through
14 (15) of this subsection; or
- 15 (17) assault with intent to commit any of the crimes listed in items (1)
16 through (15) of this subsection or a crime punishable by imprisonment for more than
17 1 year.
- 18 (p) "Regulated firearm" means:
- 19 (1) a handgun; or
- 20 (2) a firearm that is any of the following specific assault weapons or
21 their copies, regardless of which company produced and manufactured that assault
22 weapon:
- 23 (i) American Arms Spectre da Semiautomatic carbine;
- 24 (ii) AK-47 in all forms;
- 25 (iii) Algimec AGM-1 type semi-auto;
- 26 (iv) AR 100 type semi-auto;
- 27 (v) AR 180 type semi-auto;
- 28 (vi) Argentine L.S.R. semi-auto;
- 29 (vii) Australian Automatic Arms SAR type semi-auto;
- 30 (viii) Auto-Ordnance Thompson M1 and 1927 semi-automatics;

- 1 (ix) Barrett light .50 cal. semi-auto;
- 2 (x) Beretta AR70 type semi-auto;
- 3 (xi) Bushmaster semi-auto rifle;
- 4 (xii) Calico models M-100 and M-900;
- 5 (xiii) CIS SR 88 type semi-auto;
- 6 (xiv) Claridge HI TEC C-9 carbines;
- 7 (xv) Colt AR-15, CAR-15, and all imitations except Colt AR-15
8 Sporter H-BAR rifle;
- 9 (xvi) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;
- 10 (xvii) Dragunov Chinese made semi-auto;
- 11 (xviii) Famas semi-auto (.223 caliber);
- 12 (xix) Feather AT-9 semi-auto;
- 13 (xx) FN LAR and FN FAL assault rifle;
- 14 (xxi) FNC semi-auto type carbine;
- 15 (xxii) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;
- 16 (xxiii) Steyr-AUG-SA semi-auto;
- 17 (xxiv) Galil models AR and ARM semi-auto;
- 18 (xxv) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;
- 19 (xxvi) Holmes model 88 shotgun;
- 20 (xxvii) Avtomat Kalashnikov semiautomatic rifle in any format;
- 21 (xxviii) Manchester Arms "Commando" MK-45, MK-9;
- 22 (xxix) Mandell TAC-1 semi-auto carbine;
- 23 (xxx) Mossberg model 500 Bullpup assault shotgun;
- 24 (xxxi) Sterling Mark 6;
- 25 (xxxii) P.A.W.S. carbine;
- 26 (xxxiii) Ruger mini-14 folding stock model (.223 caliber);
- 27 (xxxiv) SIG 550/551 assault rifle (.223 caliber);

- 1 (xxxv) SKS with detachable magazine;
- 2 (xxxvi) AP-74 Commando type semi-auto;
- 3 (xxxvii) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21
4 sniper rifle, M1A, excluding the M1 Garand;
- 5 (xxxviii) Street sweeper assault type shotgun;
- 6 (xxxix) Striker 12 assault shotgun in all formats;
- 7 (xl) Unique F11 semi-auto type;
- 8 (xli) Daewoo USAS 12 semi-auto shotgun;
- 9 (xlii) UZI 9mm carbine or rifle;
- 10 (xlili) Valmet M-76 and M-78 semi-auto;
- 11 (xliv) Weaver Arms "Nighthawk" semi-auto carbine; or
- 12 (xlv) Wilkinson Arms 9mm semi-auto "Terry".

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 June 1, 2005.