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By: **Senator Giannetti**

Introduced and read first time: February 4, 2005

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Weapon Used in Crime of Violence - Enhanced Penalties**

3 FOR the purpose of altering the classification of the crime of using a certain firearm  
4 in the commission of a felony or a certain crime or violence from a misdemeanor  
5 to a felony; increasing certain maximum penalties for the first and subsequent  
6 violations of certain crimes committed with certain firearms; and generally  
7 relating to crimes committed with firearms and penalties.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Law  
10 Section 4-306  
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 4-306.

17 (a) A person who violates this subtitle is guilty of a misdemeanor and on  
18 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
19 \$5,000 or both.

20 (b) (1) A person who uses an assault pistol, or a magazine that has a  
21 capacity of more than 20 rounds of ammunition, in the commission of a felony or a  
22 crime of violence as defined in § 5-101 of the Public Safety Article is guilty of a  
23 [misdemeanor] FELONY and on conviction, in addition to any other sentence imposed  
24 for the felony or crime of violence, shall be sentenced under this subsection.

25 (2) (i) For a first violation, the person shall be sentenced to  
26 imprisonment for not less than 5 years and not exceeding [20] 30 years.

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

1 (iii) The mandatory minimum sentence of 5 years may not be  
2 suspended.

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

5 (3) (i) For each subsequent violation, the person shall be sentenced to  
6 imprisonment for not less than 10 years and not exceeding [20] 30 years.

7 (ii) The court may not impose less than the minimum sentence of  
8 10 years.

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

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