

(PRE-FILED)

By: **Senator Garagiola**
 Requested: September 16, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Judicial Proceedings

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 a firearm in the commission of a
4 crime of violence or a felony, whether or not the firearm is operable at the time
5 of the crime; imposing certain penalties; defining a certain term; and generally
6 relating to the use of a firearm in the commission of a felony or a crime of
7 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 2005 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) IN THIS SECTION, "FIREARM" INCLUDES:

18 (1) AN ANTIQUE FIREARM, RIFLE, SHOTGUN, SHORT-BARRELED RIFLE,
19 SHORT-BARRELED SHOTGUN;

20 (2) AN ASSAULT PISTOL, AS DEFINED IN § 4-301 OF THIS TITLE;

21 (3) A MACHINE GUN, AS DEFINED IN § 4-401 OF THIS TITLE; AND

22 (4) A REGULATED FIREARM, AS DEFINED IN § 5-101 OF THE PUBLIC
23 SAFETY ARTICLE.

24 (B) A person may not use [an antique firearm capable of being concealed on
25 the person or any handgun] A FIREARM in the commission of a crime of violence, as

1 defined in § 5-101 of the Public Safety Article, or any felony, whether the [antique
2 firearm or handgun] FIREARM is operable or inoperable at the time of the crime.

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

7 (ii) The court may not impose less than the minimum sentence of 5
8 years and, except as otherwise provided in § 4-305 of the Correctional Services
9 Article, the person is not eligible for parole in less than 5 years.

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2006.