## **SENATE BILL 563**

E47lr1314 SB 553/05 - JPR

By: Senators Haines, Brochin, Harris, Hooper, and Stone

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

|                          | A BILL ENTITLED                                                                                                                                                                                                                                                     |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                        | AN ACT concerning                                                                                                                                                                                                                                                   |
| 2 3                      | Criminal Law – Use of a Firearm in the Commission of a Crime of Violence or a Felony                                                                                                                                                                                |
| 4<br>5<br>6<br>7         | FOR the purpose of prohibiting the use of certain firearms in the commission of certain crimes of violence or felonies; defining a certain term; and generally relating to the use of certain firearms in the commission of certain crimes of violence or felonies. |
| 8<br>9<br>10<br>11<br>12 | BY repealing and reenacting, with amendments, Article – Criminal Law Section 4–204 Annotated Code of Maryland (2002 Volume and 2006 Supplement)                                                                                                                     |
| 13<br>14                 | SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:                                                                                                                                                            |
| 15                       | Article - Criminal Law                                                                                                                                                                                                                                              |
| 16                       | 4–204.                                                                                                                                                                                                                                                              |
| 17                       | (a) (1) IN THIS SECTION, "FIREARM" MEANS:                                                                                                                                                                                                                           |
| 18<br>19<br>20           | (I) A WEAPON THAT EXPELS, IS DESIGNED TO EXPEL, OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE; OR                                                                                                                                 |

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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## 1 (II) THE FRAME OR RECEIVER OF SUCH A WEAPON.

- (2) "FIREARM" INCLUDES AN ANTIQUE FIREARM, HANDGUN, RIFLE, SHOTGUN, SHORT-BARRELED RIFLE, SHORT-BARRELED SHOTGUN, STARTER GUN, OR ANY OTHER FIREARM, WHETHER LOADED OR UNLOADED.
- (B) A person may not use [an antique firearm capable of being concealed on the person or any handgun] A FIREARM in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the [antique firearm or handgun] FIREARM is operable or inoperable at the time of the crime.
- [(b)] (C) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.
- 13 (ii) The court may not impose less than the minimum sentence 14 of 5 years and, except as otherwise provided in § 4–305 of the Correctional Services 15 Article, the person is not eligible for parole in less than 5 years.
- 16 (2) For each subsequent violation, the sentence shall be consecutive to 17 and not concurrent with any other sentence imposed for the crime of violence or felony.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.