

SENATE BILL 274

E1, E4

0lr1592
CF 0lr1593

By: **Senator McFadden (By Request – Baltimore City Administration)**

Introduced and read first time: January 22, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Violation of Restriction Against Possession of Firearms**
3 **– Penalties**

4 FOR the purpose of expanding a certain prohibition against the possession of
5 regulated firearms by a person convicted of a certain crime of violence or
6 drug-related crime to apply to all firearms; increasing the maximum term of
7 imprisonment that may be imposed for a violation of this Act; creating a certain
8 exception regarding eligibility of a certain person for parole; and generally
9 relating to restrictions against possession of firearms.

10 BY repealing and reenacting, with amendments,
11 Article – Public Safety
12 Section 5–133(c)
13 Annotated Code of Maryland
14 (2003 Volume and 2009 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Public Safety
17 Section 5–143
18 Annotated Code of Maryland
19 (2003 Volume and 2009 Supplement)

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

22 **Article – Public Safety**

23 5–133.

24 (c) (1) A person may not possess a [regulated] firearm if the person was
25 previously convicted of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) a crime of violence; or

2 (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, §
3 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article.

4 (2) A person who violates this subsection is guilty of a felony and on
5 conviction is subject to imprisonment for not less than 5 years[, no part of which may
6 be suspended.

7 (3) A person sentenced under paragraph (1) of this subsection may not
8 be eligible for parole] **AND NOT EXCEEDING 15 YEARS.**

9 **(3) THE COURT MAY NOT SUSPEND ANY PART OF THE**
10 **MANDATORY MINIMUM SENTENCE OF 5 YEARS.**

11 **(4) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE**
12 **CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR**
13 **PAROLE DURING THE MANDATORY MINIMUM SENTENCE.**

14 **[(4)] (5)** Each violation of this subsection is a separate crime.

15 5-143.

16 (a) Except as otherwise provided in this subtitle, a dealer or other person
17 may not knowingly participate in the illegal sale, rental, transfer, purchase,
18 possession, or receipt of a regulated firearm in violation of this subtitle.

19 (b) A person who violates this section is guilty of a misdemeanor and on
20 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
21 \$10,000 or both.

22 (c) Each violation of this section is a separate crime.

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
24 **October 1, 2010.**