

SENATE BILL 174

E1
SB 44/10 – JPR

11r0120
CF 11r0121

By: **The President (By Request – Administration) and Senators Astle, Brochin, Forehand, Gladden, Manno, Peters, Raskin, Robey, Stone, and Zirkin**

Introduced and read first time: January 24, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a**
3 **Felony**

4 FOR the purpose of prohibiting the use of certain firearms in the commission of
5 certain crimes of violence or felonies; defining a certain term; and generally
6 relating to the use of certain firearms in the commission of certain crimes of
7 violence or felonies.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 4–204
11 Annotated Code of Maryland
12 (2002 Volume and 2010 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) **(1) IN THIS SECTION, “FIREARM” MEANS:**

18 **(I) A WEAPON THAT EXPELS, IS DESIGNED TO EXPEL, OR**
19 **MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN**
20 **EXPLOSIVE; OR**

21 **(II) THE FRAME OR RECEIVER OF SUCH A WEAPON.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “FIREARM” INCLUDES AN ANTIQUE FIREARM, HANDGUN,**
2 **RIFLE, SHOTGUN, SHORT-BARRELED RIFLE, SHORT-BARRELED SHOTGUN,**
3 **STARTER GUN, OR ANY OTHER FIREARM, WHETHER LOADED OR UNLOADED.**

4 **(B)** A person may not use [an antique firearm capable of being concealed on
5 the person or any handgun] **A FIREARM** in the commission of a crime of violence, as
6 defined in § 5-101 of the Public Safety Article, or any felony, whether the [antique
7 firearm or handgun] **FIREARM** is operable or inoperable at the time of the crime.

8 **[(b)] (C)** (1) (i) A person who violates this section is guilty of a
9 misdemeanor and, in addition to any other penalty imposed for the crime of violence or
10 felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding
11 20 years.

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2011.