

HOUSE BILL 856

E1

2lr2198

By: **Delegate Conaway**

Introduced and read first time: February 9, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Use of Dangerous Weapons During Crime**

3 FOR the purpose of prohibiting a person from using a certain dangerous weapon in the
4 commission of a crime; establishing a penalty for a violation of this Act;
5 prohibiting a court from imposing less than a certain minimum sentence;
6 prohibiting a court from suspending any part of a certain minimum sentence;
7 providing that a certain person is not eligible for parole in less than a certain
8 period; establishing that, for a first offense, the sentence may be consecutive to
9 or concurrent with a certain other sentence and, for each subsequent offense,
10 the sentence shall be consecutive to and not concurrent with a certain other
11 sentence; defining a term; and generally relating to the use of weapons in
12 crimes.

13 BY adding to
14 Article – Criminal Law
15 Section 4–110
16 Annotated Code of Maryland
17 (2002 Volume and 2011 Supplement)

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

20 **Article – Criminal Law**

21 **4–110.**

22 **(A) (1) IN THIS SECTION, “DANGEROUS WEAPON” MEANS:**

23 **(I) AN INSTRUMENT CAPABLE OF INFLICTING DEATH OR**
24 **SERIOUS BODILY INJURY; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) AN OBJECT THAT IS NOT AN INSTRUMENT CAPABLE OF
2 INFLECTING DEATH OR SERIOUS BODILY INJURY, BUT:

3 1. CLOSELY RESEMBLES SUCH AN INSTRUMENT; OR

4 2. IS USED BY THE DEFENDANT IN A MANNER THAT
5 CREATES THE IMPRESSION THAT THE OBJECT IS SUCH AN INSTRUMENT.

6 (2) "DANGEROUS WEAPON" INCLUDES:

7 (I) A KNIFE HAVING A BLADE THREE INCHES OR MORE IN
8 LENGTH, OR A SNAP-BLADE OR SPRING-BLADE KNIFE REGARDLESS OF THE
9 LENGTH OF THE BLADE;

10 (II) AN ICE PICK OR SIMILAR SHARP STABBING TOOL;

11 (III) A STRAIGHT EDGE RAZOR OR A RAZOR BLADE FITTED TO
12 A HANDLE;

13 (IV) A CUTTING, STABBING, OR BLUDGEONING WEAPON OR
14 DEVICE CAPABLE OF INFLECTING SERIOUS BODILY INJURY; AND

15 (V) A DIRK, DAGGER, OR BLUDGEON.

16 (B) A PERSON MAY NOT USE A DANGEROUS WEAPON IN THE
17 COMMISSION OF A CRIME.

18 (C) (1) (I) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
19 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT
20 LESS THAN 1 YEAR.

21 (II) NOTWITHSTANDING § 14-102 OF THIS ARTICLE, THE
22 COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 1
23 YEAR.

24 (III) THE COURT MAY NOT SUSPEND ANY PART OF THE
25 MANDATORY MINIMUM SENTENCE OF 1 YEAR.

26 (IV) EXCEPT AS PROVIDED IN § 4-305 OF THE
27 CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS
28 SECTION IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 1 YEAR.

1 **(2) (i) FOR A FIRST OFFENSE, A SENTENCE IMPOSED UNDER**
2 **THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR**
3 **CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT**
4 **ESTABLISHING THE VIOLATION OF THIS SECTION.**

5 **(ii) FOR EACH SUBSEQUENT OFFENSE, A SENTENCE**
6 **IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE TO AND NOT**
7 **CONCURRENT WITH ANY OTHER SENTENCE IMPOSED FOR ANY CRIME BASED ON**
8 **THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2012.