

HOUSE BILL 1104

E1

2lr1856

By: **Delegates Wilson, Arora, K. Kelly, and Luedtke**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Use of Firearm in Commission of Crime of Violence – Felony**

3 FOR the purpose of reclassifying as a felony the use of a firearm in the commission of
4 certain crimes; and generally relating to the use of firearms.

5 BY repealing and reenacting, with amendments,

6 Article – Criminal Law

7 Section 4–204

8 Annotated Code of Maryland

9 (2002 Volume and 2011 Supplement)

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

12 **Article – Criminal Law**

13 4–204.

14 (a) (1) In this section, “firearm” means:

15 (i) a weapon that expels, is designed to expel, or may readily be
16 converted to expel a projectile by the action of an explosive; or

17 (ii) the frame or receiver of such a weapon.

18 (2) “Firearm” includes an antique firearm, handgun, rifle, shotgun,
19 short–barreled rifle, short–barreled shotgun, starter gun, or any other firearm,
20 whether loaded or unloaded.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person may not use a firearm in the commission of a crime of violence,
2 as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is
3 operable or inoperable at the time of the crime.

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

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

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

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