

# HOUSE BILL 107

E1, E4  
HB 330/11 – JUD

3lr1239

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By: **Delegates Gutierrez, Proctor, Anderson, Barkley, Braveboy, Cardin, Carr, Cullison, Feldman, Frush, Gilchrist, Glenn, Haynes, Healey, Howard, Huckler, Kaiser, A. Kelly, Lee, Luedtke, A. Miller, Mitchell, Nathan–Pulliam, Pena–Melnyk, B. Robinson, S. Robinson, V. Turner, and M. Washington**

Introduced and read first time: January 16, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Detachable Magazines – Maximum Capacity for Ammunition**

3 FOR the purpose of altering the maximum capacity for ammunition of a detachable  
4 magazine for a firearm that can be sold, offered for sale, purchased, received, or  
5 transferred; altering the maximum capacity for ammunition of a magazine,  
6 which, when used by a person in the commission of a felony or crime of violence,  
7 results in that person being guilty of a misdemeanor and subject to certain  
8 penalties; and generally relating to firearms with detachable magazines.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Law  
11 Section 4–305 and 4–306  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2012 Supplement)

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

16 **Article – Criminal Law**

17 4–305.

18 (a) This section does not apply to a .22 caliber rifle with a tubular magazine.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person may not manufacture, sell, offer for sale, purchase, receive, or  
2 transfer a detachable magazine that has a capacity of more than [20] 10 rounds of  
3 ammunition for a firearm.

4 4–306.

5 (a) A person who violates this subtitle is guilty of a misdemeanor and on  
6 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
7 \$5,000 or both.

8 (b) (1) A person who uses an assault pistol, or a magazine that has a  
9 capacity of more than [20] 10 rounds of ammunition, in the commission of a felony or  
10 a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a  
11 misdemeanor and on conviction, in addition to any other sentence imposed for the  
12 felony or crime of violence, shall be sentenced under this subsection.

13 (2) (i) For a first violation, the person shall be sentenced to  
14 imprisonment for not less than 5 years and not exceeding 20 years.

15 (ii) The court may not impose less than the minimum sentence  
16 of 5 years.

17 (iii) The mandatory minimum sentence of 5 years may not be  
18 suspended.

19 (iv) Except as otherwise provided in § 4–305 of the Correctional  
20 Services Article, the person is not eligible for parole in less than 5 years.

21 (3) (i) For each subsequent violation, the person shall be sentenced  
22 to imprisonment for not less than 10 years and not exceeding 20 years.

23 (ii) The court may not impose less than the minimum sentence  
24 of 10 years.

25 (iii) A sentence imposed under this paragraph shall be  
26 consecutive to and not concurrent with any other sentence imposed for the felony or  
27 crime of violence.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2013.