

HOUSE BILL 236

E4

9lr0167
CF SB 166

By: **The Speaker (By Request – Administration) and Delegates Anderton, Arentz, Arian, Buckel, Chisholm, Ciliberti, Clark, Corderman, Grammer, Hartman, Jacobs, Kipke, Kittleman, Krebs, Malone, Mangione, McComas, McKay, Metzgar, Morgan, Otto, Parrott, Reilly, Rose, Saab, Shoemaker, and Szeliga**

Introduced and read first time: January 24, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Use of a Firearm in the Commission of a Crime of Violence or Felony –**
3 **Penalties**
4 **(The Repeat Firearms Offender Act of 2019)**

5 FOR the purpose of altering penalties for a certain crime relating to use of a firearm in the
6 commission of a crime of violence or felony; and generally relating to firearms.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 4–204
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2018 Supplement)

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

14 **Article – Criminal Law**

15 4–204.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) "Firearm" includes an antique firearm, handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

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

(c) (1) (i) A person who violates this section is guilty of a [misdemeanor] **FELONY** and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced:

1. FOR A FIRST OFFENSE, to imprisonment for not less than 5 years and not exceeding 20 years; OR

2. FOR A SECOND OR SUBSEQUENT OFFENSE, TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS AND NOT EXCEEDING 20 YEARS.

(ii) **1. The court may not impose less than the minimum sentence of 5 years [and, except] FOR A SENTENCE IMPOSED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.**

2. THE COURT MAY NOT IMPOSE LESS THAN THE MINIMUM SENTENCE OF 10 YEARS FOR A SENTENCE IMPOSED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH.

(III) EXCEPT as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole in less than [5 years] **THE MANDATORY MINIMUM SENTENCE.**

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.