

HOUSE BILL 477

E4

3lr2367

By: **Delegate Simmons**

Introduced and read first time: January 30, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Conviction for Crime of Violence – Probation Before Judgment**

3 FOR the purpose of defining certain terms to include probation before judgment for
4 certain crimes for the purpose of certain provisions of law that limit a person's
5 right to possess a firearm or obtain a regulated firearm dealer's license based on
6 prior convictions; providing that certain definitions do not include probation
7 before judgment for a certain crime; and generally relating to probation before
8 judgment for crimes of violence and firearms.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 5–101(a), (c), and (g)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2012 Supplement)

14 BY adding to
15 Article – Public Safety
16 Section 5–101(b–1) and (b–2)
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2012 Supplement)

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

21 **Article – Public Safety**

22 5–101.

23 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B-1) (1) “CONVICTED OF A CRIME OF VIOLENCE” INCLUDES THE**
2 **IMPOSITION OF PROBATION BEFORE JUDGMENT FOR A CRIME OF VIOLENCE.**

3 **(2) “CONVICTED OF A CRIME OF VIOLENCE” DOES NOT INCLUDE**
4 **THE IMPOSITION OF PROBATION BEFORE JUDGMENT FOR ASSAULT IN THE**
5 **SECOND DEGREE.**

6 **(B-2) (1) “CONVICTED OF A DISQUALIFYING CRIME” INCLUDES THE**
7 **IMPOSITION OF PROBATION BEFORE JUDGMENT FOR A CRIME OF VIOLENCE.**

8 **(2) “CONVICTED OF A DISQUALIFYING CRIME” DOES NOT**
9 **INCLUDE THE IMPOSITION OF PROBATION BEFORE JUDGMENT FOR ASSAULT IN**
10 **THE SECOND DEGREE.**

11 (c) “Crime of violence” means:

12 (1) abduction;

13 (2) arson in the first degree;

14 (3) assault in the first or second degree;

15 (4) burglary in the first, second, or third degree;

16 (5) carjacking and armed carjacking;

17 (6) escape in the first degree;

18 (7) kidnapping;

19 (8) voluntary manslaughter;

20 (9) maiming as previously proscribed under former Article 27, § 386 of
21 the Code;

22 (10) mayhem as previously proscribed under former Article 27, § 384 of
23 the Code;

24 (11) murder in the first or second degree;

25 (12) rape in the first or second degree;

26 (13) robbery;

27 (14) robbery with a dangerous weapon;

1 (15) sexual offense in the first, second, or third degree;

2 (16) an attempt to commit any of the crimes listed in items (1) through
3 (15) of this subsection; or

4 (17) assault with intent to commit any of the crimes listed in items (1)
5 through (15) of this subsection or a crime punishable by imprisonment for more than 1
6 year.

7 (g) “Disqualifying crime” means:

8 (1) a crime of violence;

9 (2) a violation classified as a felony in the State; or

10 (3) a violation classified as a misdemeanor in the State that carries a
11 statutory penalty of more than 2 years.

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