

SENATE BILL 228

E2

3lr1059
CF HB 575

By: **Senators Frosh, Montgomery, Raskin, and Young**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 12, 2013

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Use of Handgun in Crime of Violence or Felony – Statute of**
3 **Limitations**

4 FOR the purpose of providing that a person who violates a certain provision of law
5 prohibiting using a firearm in the commission of a crime of violence or felony is
6 not covered by the 1–year statute of limitations for a misdemeanor; and
7 generally relating to prohibitions on the use of a firearm in the commission of a
8 crime of violence or felony.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 4–204
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 4–204.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

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

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

18 **(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5–106(B)**
19 **OF THE COURTS ARTICLE.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.