

SENATE BILL 248

E2
SB 228/13 – JPR

4lr1561

By: **Senators Frosh, Madaleno, and Raskin**
Introduced and read first time: January 17, 2014
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 6, 2014

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~~ extending the statute of
5 limitations for a violation of a certain provision of law prohibiting using a
6 firearm in the commission of a crime of violence or felony ~~is not covered by the~~
7 ~~1-year statute of limitations for a misdemeanor~~; and generally relating to
8 prohibitions on the use of a firearm in the commission of a crime of violence or
9 felony and statutes of limitations.

10 BY repealing and reenacting, without amendments,
11 Article – Courts and Judicial Proceedings
12 Section 5–106(a)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2013 Supplement)

15 BY adding to
16 Article – Courts and Judicial Proceedings
17 Section 5–106(dd)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, ~~with~~ without amendments,
21 Article – Criminal Law
22 Section 4–204

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 Annotated Code of Maryland
2 (2012 Replacement Volume and 2013 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 **5–106.**

7 (a) Except as provided by this section and § 1–303 of the Environment
8 Article, a prosecution for a misdemeanor shall be instituted within 1 year after the
9 offense was committed.

10 **(DD) THE STATUTE OF LIMITATIONS FOR THE PROSECUTION OF AN**
11 **OFFENSE UNDER § 4–204 OF THE CRIMINAL LAW ARTICLE RELATING TO THE**
12 **USE OF A FIREARM IN THE COMMISSION OF A CRIME OF VIOLENCE OR FELONY IS**
13 **THE SAME AS THE STATUTE OF LIMITATIONS FOR THE UNDERLYING CRIME.**

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.

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

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

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

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

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

3 ~~(D) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5-106(D)~~
4 ~~OF THE COURTS ARTICLE.~~

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.