

# HOUSE BILL 161

E1  
HB 157/10 – JUD

11r0121  
CF SB 174

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By: **The Speaker (By Request – Administration) and Delegates Anderson, Arora, Barkley, Clippinger, Davis, Dumais, Mitchell, Niemann, Reznik, Waldstreicher, and Wilson**

Introduced and read first time: January 26, 2011

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a**  
3 **Felony**

4 FOR the purpose of prohibiting the use of certain firearms in the commission of  
5 certain crimes of violence or felonies; defining a certain term; and generally  
6 relating to the use of certain firearms in the commission of certain crimes of  
7 violence or felonies.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 4–204  
11 Annotated Code of Maryland  
12 (2002 Volume and 2010 Supplement)

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

15 **Article – Criminal Law**

16 4–204.

17 (a) **(1) IN THIS SECTION, “FIREARM” MEANS:**

18 **(I) A WEAPON THAT EXPELS, IS DESIGNED TO EXPEL, OR**  
19 **MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN**  
20 **EXPLOSIVE; OR**

21 **(II) THE FRAME OR RECEIVER OF SUCH A WEAPON.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) “FIREARM” INCLUDES AN ANTIQUE FIREARM, HANDGUN,**  
2 **RIFLE, SHOTGUN, SHORT-BARRELED RIFLE, SHORT-BARRELED SHOTGUN,**  
3 **STARTER GUN, OR ANY OTHER FIREARM, WHETHER LOADED OR UNLOADED.**

4           **(B)** A person may not use [an antique firearm capable of being concealed on  
5 the person or any handgun] **A FIREARM** in the commission of a crime of violence, as  
6 defined in § 5–101 of the Public Safety Article, or any felony, whether the [antique  
7 firearm or handgun] **FIREARM** is operable or inoperable at the time of the crime.

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

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

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

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2011.