

# SENATE BILL 228

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3lr1059

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

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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:

19 (i) a weapon that expels, is designed to expel, or may readily be  
20 converted to expel a projectile by the action of an 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, rifle, shotgun,  
2 short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm,  
3 whether loaded or unloaded.

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

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

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

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

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

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