

# SENATE BILL 1062

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CF 8lr1744

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By: **Baltimore City Senators (By Request – Baltimore City Administration)**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Weapon Crimes – Detachable Magazines and Regulated Firearms – Possession**

3 FOR the purpose of prohibiting a person from possessing a certain detachable magazine  
4 that has a capacity of more than 10 rounds of ammunition; prohibiting a person from  
5 possessing a regulated firearm if the person was previously convicted of a certain  
6 crime involving possessing, owning, carrying, or transporting a firearm after having  
7 been convicted of a certain other crime; applying certain penalties; and generally  
8 relating to weapon crimes.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Law  
11 Section 4–305  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Criminal Law  
16 Section 4–306(a) and 5–622  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Public Safety  
21 Section 5–133(c)  
22 Annotated Code of Maryland  
23 (2011 Replacement Volume and 2017 Supplement)

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

26 **Article – Criminal Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4–305.

2 (a) This section does not apply to:

3 (1) a .22 caliber rifle with a tubular magazine; or

4 (2) a law enforcement officer or a person who retired in good standing from  
5 service with a law enforcement agency of the United States, the State, or any law  
6 enforcement agency in the State.

7 (b) A person may not manufacture, sell, offer for sale, purchase, receive, [or]  
8 transfer, **OR POSSESS** a detachable magazine that has a capacity of more than 10 rounds  
9 of ammunition for a firearm.

10 4–306.

11 (a) Except as otherwise provided in this subtitle, a person who violates this  
12 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not  
13 exceeding 3 years or a fine not exceeding \$5,000 or both.

14 5–622.

15 (a) In this section, “firearm” includes:

16 (1) a handgun, antique firearm, rifle, shotgun, short–barreled shotgun, and  
17 short–barreled rifle, as those words are defined in § 4–201 of this article;

18 (2) a machine gun, as defined in § 4–401 of this article; and

19 (3) a regulated firearm, as defined in § 5–101 of the Public Safety Article.

20 (b) A person may not possess, own, carry, or transport a firearm if that person  
21 has been convicted of:

22 (1) a felony under this title;

23 (2) a crime under the laws of another state or of the United States that  
24 would be a felony under this title if committed in this State;

25 (3) conspiracy to commit a crime referred to in paragraphs (1) and (2) of  
26 this subsection; or

27 (4) an attempt to commit a crime referred to in paragraphs (1) and (2) of  
28 this subsection.

29 (c) A person who violates this section is guilty of a felony and on conviction is

1 subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

2 **Article – Public Safety**

3 5–133.

4 (c) (1) A person may not possess a regulated firearm if the person was  
5 previously convicted of:

6 (i) a crime of violence **OR CONSPIRACY TO COMMIT A CRIME OF**  
7 **VIOLENCE;**

8 (ii) a violation of **§ 4–203**, § 5–602, § 5–603, § 5–604, § 5–605, §  
9 5–612, § 5–613, [or] § 5–614, **OR § 5–622** of the Criminal Law Article; [or]

10 **(III) A VIOLATION OF § 5–133(B) OR (C) OF THE PUBLIC SAFETY**  
11 **ARTICLE; OR**

12 **[(iii)] (IV)** an offense under the laws of another state or the United  
13 States that would constitute one of the crimes listed in item (i) [or], (ii), **OR (III)** of this  
14 paragraph if committed in this State.

15 (2) (i) Subject to paragraph (3) of this subsection, a person who violates  
16 this subsection is guilty of a felony and on conviction is subject to imprisonment for not less  
17 than 5 years and not exceeding 15 years.

18 (ii) The court may not suspend any part of the mandatory minimum  
19 sentence of 5 years.

20 (iii) Except as otherwise provided in § 4–305 of the Correctional  
21 Services Article, the person is not eligible for parole during the mandatory minimum  
22 sentence.

23 (3) At the time of the commission of the offense, if a period of more than 5  
24 years has elapsed since the person completed serving the sentence for the most recent  
25 conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment,  
26 mandatory supervision, probation, and parole:

27 (i) the imposition of the mandatory minimum sentence is within the  
28 discretion of the court; and

29 (ii) the mandatory minimum sentence may not be imposed unless  
30 the State's Attorney notifies the person in writing at least 30 days before trial of the State's  
31 intention to seek the mandatory minimum sentence.

32 (4) Each violation of this subsection is a separate crime.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2018.