

HB0740/123222/2

BY: Delegate Kipke

AMENDMENTS TO HOUSE BILL 740, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the House Judiciary Committee Amendments (HB0740/582918/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, strike lines 2 and 3 in their entirety and substitute:

“Crimes – Use of a Firearm in the Commission of a Crime of Violence or Felony –
Penalties
(The Repeat Firearms Offender Act of 2019)”;

and strike in their entirety lines 4 through 13, inclusive, and substitute:

“FOR the purpose of altering penalties for a certain crime relating to use of a firearm in the commission of a crime of violence or felony; and generally relating to firearms.”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 14 on page 1 through line 5 on page 2, inclusive, and substitute:

“BY repealing and reenacting, with amendments,
Article - Criminal Law
Section 4-204
Annotated Code of Maryland
(2012 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 3

(Over)

On pages 2 through 6, strike in their entirety the lines beginning with line 9 on page 2 through line 17 on page 6, inclusive, and substitute:

“4–204.

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

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

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

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

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

(c) (1) (i) A person who violates this section is guilty of a [misdemeanor] FELONY and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced:

1. FOR A FIRST OFFENSE, to imprisonment for not less than 5 years and not exceeding 20 years; OR

2. FOR A SECOND OR SUBSEQUENT OFFENSE, TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS AND NOT EXCEEDING 20 YEARS.

(ii) 1. The court may not impose less than the minimum sentence of 5 years [and, except] FOR A SENTENCE IMPOSED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.

2. THE COURT MAY NOT IMPOSE LESS THAN THE MINIMUM SENTENCE OF 10 YEARS FOR A SENTENCE IMPOSED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH.

(III) EXCEPT as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole in less than [5 years] THE MANDATORY MINIMUM SENTENCE.

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