

HOUSE BILL 1396

E1

7lr2106
CF SB 826

By: **Delegates Clippinger, Anderson, Atterbeary, Lafferty, Lewis, Lierman,
McCray, Queen, Rosenberg, Sydnor, and B. Wilson**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Wearing, Carrying, or Transporting a Handgun – Penalties – Subsequent**
3 **Offenders**

4 FOR the purpose of prohibiting the suspension of a sentence for wearing, carrying, or
5 transporting a handgun under certain circumstances for a person previously
6 convicted of certain crimes; and generally relating to wearing, carrying, or
7 transporting a handgun.

8 BY repealing and reenacting, without amendments,

9 Article – Criminal Law

10 Section 4–203(a)

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Criminal Law

15 Section 4–203(c)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2016 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Criminal Law**

21 4–203.

22 (a) (1) Except as provided in subsection (b) of this section, a person may not:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) wear, carry, or transport a handgun, whether concealed or open,
2 on or about the person;

3 (ii) wear, carry, or knowingly transport a handgun, whether
4 concealed or open, in a vehicle traveling on a road or parking lot generally used by the
5 public, highway, waterway, or airway of the State;

6 (iii) violate item (i) or (ii) of this paragraph while on public school
7 property in the State; or

8 (iv) violate item (i) or (ii) of this paragraph with the deliberate
9 purpose of injuring or killing another person.

10 (2) There is a rebuttable presumption that a person who transports a
11 handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

12 (c) (1) A person who violates this section is guilty of a misdemeanor and on
13 conviction is subject to the penalties provided in this subsection.

14 (2) If the person has not previously been convicted under this section, §
15 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

16 (i) except as provided in item (ii) of this paragraph, the person is
17 subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not
18 less than \$250 and not exceeding \$2,500 or both; or

19 (ii) if the person violates subsection (a)(1)(iii) of this section, the
20 person shall be sentenced to imprisonment for not less than 90 days.

21 (3) (i) If the person has previously been convicted once under this
22 section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

23 1. except as provided in item 2 of this subparagraph, the
24 person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

25 2. if the person violates subsection (a)(1)(iii) of this section,
26 the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

27 (ii) The court may not impose less than **OR SUSPEND ANY PART OF**
28 the applicable minimum sentence provided under subparagraph (i) of this paragraph.

29 (4) (i) If the person has previously been convicted more than once under
30 this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination
31 of these crimes:

32 1. except as provided in item 2 of this subparagraph, the
33 person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

1 2. A. if the person violates subsection (a)(1)(iii) of this
2 section, the person is subject to imprisonment for not less than 5 years and not exceeding
3 10 years; or

4 B. if the person violates subsection (a)(1)(iv) of this section,
5 the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

6 (ii) The court may not impose less than **OR SUSPEND ANY PART OF**
7 the applicable minimum sentence provided under subparagraph (i) of this paragraph.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2017.