

(1976 Replacement Volume and 1981 Supplement)

BY repealing and reenacting, without amendments,

Article 27 - Crimes and Punishments
Section 441(e)
Annotated Code of Maryland
(1976 Replacement Volume and 1981 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) as follows:

Article 27 - Crimes and Punishments

36B.

(d) Any person who shall use a handgun in the commission of any felony or any crime of violence as defined in § 441 of this article, shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to any other sentence imposed by virtue of commission of said felony or misdemeanor[,]:

(1) FOR A FIRST OFFENSE, be sentenced to the Maryland Division of Correction for a term of not less than [five] 5 nor more than [fifteen] 15 years, and it is mandatory upon the court to impose no less than the minimum sentence of [five] 5 years.

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, BE SENTENCED TO THE MARYLAND DIVISION OF CORRECTION FOR A TERM OF NOT LESS THAN 5 NOR MORE THAN 15 YEARS, AND IT IS MANDATORY UPON THE COURT TO IMPOSE NO LESS THAN A MINIMUM CONSECUTIVE SENTENCE OF 5 YEARS WHICH SHALL BE SERVED CONSECUTIVELY AND NOT CONCURRENTLY TO ANY OTHER SENTENCE IMPOSED BY VIRTUE OF THE COMMISSION OF SAID FELONY OR MISDEMEANOR.

441.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.