

CHAPTER 314

(Senate Bill 175)

AN ACT concerning

Criminal Law - Handguns - Subsequent
Offenders

FOR the purpose of altering the maximum sentence that may be imposed on those convicted of a second or subsequent offense for the use of a handgun in the commission of a felony or ~~any crime~~ certain other crimes of violence.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 36B(d)
Annotated Code of Maryland
(1982 Replacement Volume and 1982 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read 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 5 nor more than 20 years, and it is mandatory upon the court to impose no less than the minimum sentence of 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] 20 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.

Approved May 24, 1983.