

36H-4.

ANY ASSAULT PISTOL TRANSPORTED, SOLD, TRANSFERRED, PURCHASED, RECEIVED, OR POSSESSED IN VIOLATION OF THIS SUBHEADING MAY BE SEIZED BY A LAW ENFORCEMENT AGENCY AS CONTRABAND AND DISPOSED OF ACCORDING TO REGULATION.

36H-5.

(A) THIS SECTION DOES NOT APPLY TO:

(1) THE PERSONNEL OR TO THE AGENCIES SPECIFIED UNDER § 36H-2(1) THROUGH (4) OF THIS SUBHEADING; OR

(2) A TRANSFER DESCRIBED UNDER § 36H-2(5) OR (6) OF THIS SUBHEADING.

(B) A PERSON MAY NOT ~~POSSESS~~, MANUFACTURE, SELL, OFFER FOR SALE, PURCHASE, RECEIVE, OR TRANSFER A DETACHABLE MAGAZINE FOR ANY TYPE OF FIREARM, EXCEPT A .22 CALIBER RIFLE WITH A TUBULAR MAGAZINE, IF THE MAGAZINE HAS A CAPACITY OF MORE THAN 20 ROUNDS OF AMMUNITION.

36H-6.

(A) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBHEADING IS UPON CONVICTION GUILTY OF A MISDEMEANOR AND SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.

(B) ANY PERSON WHO USES AN ASSAULT PISTOL, OR A MAGAZINE THAT HAS A CAPACITY OF MORE THAN 20 ROUNDS OF AMMUNITION, 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 THE 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:

(I) IT IS MANDATORY UPON THE COURT TO IMPOSE NO LESS THAN THE MINIMUM SENTENCE OF 5 YEARS NO PART OF WHICH SHALL BE SUSPENDED; AND

(II) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 31B, § 11 OF THE CODE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 5 YEARS; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, BE SENTENCED TO THE MARYLAND DIVISION OF CORRECTION FOR A TERM OF NOT LESS THAN 10 NOR MORE THAN 20 YEARS, AND IT IS MANDATORY UPON THE COURT TO IMPOSE NO LESS THAN A MINIMUM SENTENCE OF 10 YEARS WHICH SHALL BE SERVED CONSECUTIVELY AND NOT CONCURRENTLY TO ANY OTHER SENTENCE IMPOSED BY VIRTUE OF THE COMMISSION OF THE FELONY OR MISDEMEANOR.