

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.

(C) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE OFFENSE UNDER THIS SECTION.

36B.

(d) Any person who shall use a handgun or an antique firearm capable of being concealed on the person in the commission of any felony or any crime of violence as defined in § 441 of this article, WHETHER OPERABLE OR INOPERABLE AT THE TIME OF THE OFFENSE, 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:

(i) It is mandatory upon the court to impose no less than the minimum sentence of 5 years; 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 5 nor more than 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.

120.

(a) (1) Any person who recklessly engages in conduct that creates a substantial risk of death or serious physical injury to another person is guilty of the misdemeanor of reckless endangerment and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

(2) SUBJECT TO THE PROVISIONS OF SUBSECTION (B)(2) OF THIS SECTION, ANY PERSON WHO RECKLESSLY DISCHARGES A FIREARM FROM A MOTOR VEHICLE IN SUCH A MANNER THAT IT CREATES A SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER PERSON IS GUILTY OF THE MISDEMEANOR OF RECKLESS ENDANGERMENT AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

(b) (1) [This] EXCEPT AS PROVIDED IN PARAGRAPH ~~(2)~~ SUBSECTION (A)(2) OF THIS ~~SUBSECTION~~ SECTION, THIS section does not apply to any conduct involving the use of a motor vehicle as defined in § 11-135 of the Transportation Article.

~~(2) THE PENALTY PROVIDED UNDER SUBSECTION (A) OF THIS SECTION APPLIES TO THE DISCHARGE OF A FIREARM FROM A MOTOR VEHICLE.~~