

(2) THE PROVISIONS OF SUBSECTION (A)(2) OF THIS SECTION DO NOT APPLY TO THE DISCHARGE OF A FIREARM FROM A MOTOR VEHICLE BY:

(I) A LAW ENFORCEMENT OFFICER OR SECURITY GUARD IN THE PERFORMANCE OF THE OFFICER'S OR SECURITY GUARD'S OFFICIAL DUTIES, OR

(II) AN INDIVIDUAL ACTING IN DEFENSE OF A CRIME OF VIOLENCE.

(c) This section does not apply to any conduct involving the manufacture, production, or sale of any product or commodity.

281A.

(a) (1) In this section the following terms have the meanings indicated.

(2) "Drug trafficking crime" means:

(i) Any felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance under §§ 286 and 286A of this article; or

(ii) Conspiracy to commit any felony involving possession, distribution, manufacture, or importation of a controlled dangerous substance under § 286 or § 286A of this article.

(3) "Firearm silencer or muffler" means any device that is designed for silencing, muffling, or diminishing the report of a firearm including any combination of parts designed, redesigned, or intended for use in assembling or fabricating a firearm silencer or muffler.

(b) During and in relation to any drug trafficking crime, a person WHO POSSESSES A FIREARM UNDER SUFFICIENT CIRCUMSTANCES TO CONSTITUTE A NEXUS TO THE DRUG TRAFFICKING CRIME OR who uses, wears, carries, or transports a firearm is guilty of a separate felony and on conviction shall, in addition to the sentence provided for the drug trafficking crime, be sentenced as follows:

(1) (i) For a first offense, for a term of not less than 5 nor more than 20 years.

(ii) It is mandatory upon the court to impose no less than the minimum sentence of 5 years, no part of which may be suspended and the person may not be eligible for parole except in accordance with the provisions of Article 31B, § 11 of the Code; and

(2) (i) For a second or subsequent offense, for a term of not less than 10 nor more than 20 years.

(ii) It is mandatory upon the court to impose no less than a minimum consecutive sentence of 10 years, no part of which may be suspended and the person may not be eligible for parole except in accordance with the provisions of Article 31B, § 11 of the Code.