

(II) IF IT APPEARS FROM THE EVIDENCE THAT THE HANDGUN WAS WORN, CARRIED, OR TRANSPORTED ON PUBLIC SCHOOL PROPERTY IN THE STATE, THE PERSON SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 90 DAYS.

(3) (I) IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED ONCE UNDER THIS SECTION, § 4-204 OF THIS SUBTITLE, OR § 4-101 OR § 4-102 OF THIS TITLE, THE PERSON SHALL BE SENTENCED:

1. TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT EXCEEDING 10 YEARS; BUT

2. IF IT APPEARS FROM THE EVIDENCE THAT THE HANDGUN WAS WORN, CARRIED, OR TRANSPORTED ON PUBLIC SCHOOL PROPERTY IN THE STATE, TO IMPRISONMENT FOR NOT LESS THAN 3 YEARS AND NOT EXCEEDING 10 YEARS.

(II) THE COURT MAY NOT IMPOSE LESS THAN THE APPLICABLE MINIMUM SENTENCE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(4) (I) IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED MORE THAN ONCE UNDER THIS SECTION, § 4-204 OF THIS SUBTITLE, OR § 4-101 OR § 4-102 OF THIS TITLE, OR OF ANY COMBINATION OF THESE CRIMES, THE PERSON SHALL BE SENTENCED:

1. TO IMPRISONMENT FOR NOT LESS THAN 3 YEARS AND NOT EXCEEDING 10 YEARS; BUT

2. A. IF IT APPEARS FROM THE EVIDENCE THAT THE HANDGUN WAS WORN, CARRIED, OR TRANSPORTED ON PUBLIC SCHOOL PROPERTY IN THE STATE, TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 10 YEARS; OR

B. IF IT APPEARS FROM THE EVIDENCE THAT THE HANDGUN WAS WORN, CARRIED, OR TRANSPORTED WITH THE DELIBERATE PURPOSE OF INJURING OR KILLING ANOTHER PERSON, TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 10 YEARS.

(II) THE COURT MAY NOT IMPOSE LESS THAN THE APPLICABLE MINIMUM SENTENCE PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36B(b) and (c).

In subsection (a)(1) of this section, the introductory language "[e]xcept as provided in subsection (c) of this section" is added for clarity.

In subsection (a)(1)(ii) of this section, the former reference to "roads or parking lots generally used by the public" is deleted in light of the references to a "public" road and parking lot.

In subsection (b)(1) of this section, the reference to wearing, carrying, or transporting "the handgun" is substituted for the former reference to