

In subsection (c)(2)(i) of this section, the phrase "except as provided in item (ii) of this paragraph" is added for clarity.

In subsection (c)(3) of this section, the reference to a person previously being convicted "once" is added for clarity.

In subsection (c)(3)(ii) of this section, the reference to requiring the court to impose the "applicable" minimum sentence is substituted for the former reference to requiring imposition of "no less than the minimum sentence of 1 year" for clarity. The Criminal Law Article Review Committee brings this substitution to the attention of the General Assembly.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a)(1)(ii) of this section the prohibition on wearing, carrying, or transporting a handgun in a vehicle "traveling on a road or parking lot generally used by the public" may provide an inadvertent defense in the case of a person who is parked, and arguably not traveling, on the side of the road or in the parking lot. The General Assembly may wish to address this matter in substantive legislation.

The Criminal Law Article Review Committee also notes, for the consideration of the General Assembly, that in subsection (c)(2)(i) of this section, it is not clear whether the reference to a "fine of not less than \$250" is subject to reduction under § 14-102 of this article, or is a true minimum penalty. The General Assembly may wish to clarify this matter in substantive legislation.

Defined terms: "Correctional facility" § 1-101

"County" § 1-101

"Handgun" § 4-201

"Law enforcement official" § 4-201

"Person" § 1-101

"State" § 1-101

"Vehicle" § 4-201

4-204. USE OF HANDGUN OR ANTIQUE FIREARM IN COMMISSION OF CRIME.

(A) PROHIBITED.

A PERSON MAY NOT USE AN ANTIQUE FIREARM CAPABLE OF BEING CONCEALED ON THE PERSON OR ANY HANDGUN IN THE COMMISSION OF A CRIME OF VIOLENCE, AS DEFINED IN ARTICLE 27, § 441 OF THE CODE, OR ANY FELONY, WHETHER THE ANTIQUE FIREARM OR HANDGUN IS OPERABLE OR INOPERABLE AT THE TIME OF THE CRIME.

(B) PENALTY.

(1) (I) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR THE CRIME OF VIOLENCE OR FELONY, SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 20 YEARS.