

THIS SECTION DOES NOT APPLY TO A .22 CALIBER RIFLE WITH A TUBULAR MAGAZINE.

(B) PROHIBITED.

A PERSON MAY NOT MANUFACTURE, SELL, OFFER FOR SALE, PURCHASE, RECEIVE, OR TRANSFER A DETACHABLE MAGAZINE THAT HAS A CAPACITY OF MORE THAN 20 ROUNDS OF AMMUNITION FOR A FIREARM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36H-5(b).

The former reference to "any type of" firearm is deleted as surplusage.

Defined term: "Person" § 1-101

4-306. PENALTIES.

(A) IN GENERAL.

A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(B) USE IN A FELONY OR CRIME OF VIOLENCE.

(1) A PERSON WHO USES AN ASSAULT PISTOL, OR A MAGAZINE THAT HAS A CAPACITY OF MORE THAN 20 ROUNDS OF AMMUNITION, IN THE COMMISSION OF A FELONY OR A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 441 OF THE CODE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION, IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR THE FELONY OR CRIME OF VIOLENCE, SHALL BE SENTENCED UNDER THIS SUBSECTION.

(2) (I) FOR A FIRST VIOLATION, THE PERSON SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 5 AND NOT EXCEEDING 20 YEARS.

(II) THE COURT MAY NOT IMPOSE LESS THAN THE MINIMUM SENTENCE OF 5 YEARS.

(III) THE MANDATORY MINIMUM SENTENCE OF 5 YEARS MAY NOT BE SUSPENDED.

(IV) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 5 YEARS.

(3) (I) FOR EACH SUBSEQUENT VIOLATION, THE PERSON SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 10 AND NOT EXCEEDING 20 YEARS.

(II) THE COURT MAY NOT IMPOSE LESS THAN THE MINIMUM SENTENCE OF 10 YEARS.