

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 373.

In subsection (a) of this section, the references to "commission" of a crime of violence are substituted for the former references to "perpetration" of a crime of violence for consistency within this article.

In subsection (b) of this section, the former reference to imprisonment "in the State penitentiary" is deleted for consistency within this article. Currently, inmates are sentenced to the custody of a unit such as the Division of Correction and then are placed in a particular facility. See § 9-103.

Defined terms: "Crime of violence" § 4-401

"Machine gun" § 4-401

"Person" § 1-101

4-405. USE OF MACHINE GUN FOR AGGRESSIVE PURPOSE.

(A) PRESUMPTION OF OFFENSIVE OR AGGRESSIVE PURPOSE.

POSSESSION OR USE OF A MACHINE GUN IS PRESUMED TO BE FOR AN OFFENSIVE OR AGGRESSIVE PURPOSE WHEN:

(1) THE MACHINE GUN:

(I) IS ON PREMISES NOT OWNED OR RENTED FOR BONA FIDE PERMANENT RESIDENCE OR BUSINESS OCCUPANCY BY THE PERSON IN WHOSE POSSESSION THE MACHINE GUN IS FOUND;

(II) IS IN THE POSSESSION OF, OR USED BY, AN UNNATURALIZED FOREIGN-BORN PERSON OR A PERSON WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE IN ANY STATE OR FEDERAL COURT OF THE UNITED STATES; OR

(III) IS NOT REGISTERED AS REQUIRED UNDER § 4-403 OF THIS SUBTITLE; OR

(2) EMPTY OR LOADED SHELLS THAT HAVE BEEN USED OR ARE SUSCEPTIBLE OF BEING USED IN THE MACHINE GUN ARE FOUND IN THE IMMEDIATE VICINITY OF THE MACHINE GUN.

(B) PROHIBITED.

A PERSON MAY NOT POSSESS OR USE A MACHINE GUN FOR AN OFFENSIVE OR AGGRESSIVE PURPOSE.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

(D) STATUTE OF LIMITATIONS AND IN BANC REVIEW.