

The Criminal Law Article Review Committee also notes, for the consideration of the General Assembly, that the presumption of offensive or aggressive purpose based on conviction of a "crime of violence" revised in subsection (a)(1)(ii) of this section appears to be of doubtful constitutionality. The presumption attaches to any person who has been convicted of a "crime of violence" and possesses or uses a machine gun. According to the Attorney General, although the fact of conviction of a crime of violence may suggest an offensive or aggressive purpose, it may not do so with the requisite "substantial assurance" that such a purpose is "more likely than not" to flow from the fact of such a conviction. See Letter of Advice from Attorney General J. Joseph Curran, Jr. to Judge Alan M. Wilner, p. 9 (May 21, 2001). In the absence of such a rational basis, the provision may violate the Due Process clauses of the U.S. Constitution. The General Assembly may wish to address this matter as well in substantive legislation. See Letter of Advice from Attorney General J. Joseph Curran, Jr. to Judge Alan M. Wilner, pp. 8-9 (May 21, 2001).

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

"Machine gun" § 4-401

"Person" § 1-101

"State" § 1-101

4-406. UNIFORMITY.

THIS SUBTITLE SHALL BE INTERPRETED AND CONSTRUED AS TO EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM THE LAW OF THOSE STATES THAT ENACT IT.

REVISOR'S NOTE: This section formerly was Art. 27, § 382.

The only changes are in style.

4-407. SHORT TITLE.

THIS SUBTITLE MAY BE CITED AS THE UNIFORM MACHINE GUN ACT.

REVISOR'S NOTE: This section formerly was Art. 27, § 383.

No changes are made.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that although Maryland adopted the Machine Gun Act as a uniform law, the act is no longer designated as such by the National Conference of Commissioners on Uniform State Laws. The Commissioners placed the act on inactive status in 1954, later declaring it "obsolete" as of that year. At that time, the act had been adopted in nine states.

In light of the Commissioners' action, it is unclear whether this subtitle should retain its "uniform" designation.

The Uniform Machine Gun Act was never widely adopted. Of the eight other states that had ever adopted the Uniform Machine Gun Act, five