

# SENATE BILL 162

E4

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By: **Senators Frosh, Benson, Conway, Ferguson, Forehand, Kelley, Madaleno, Manno, Montgomery, Pinsky, Pugh, and Rosapepe**  
Introduced and read first time: January 24, 2011  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Detachable Magazines – Maximum Capacity for Ammunition**

3 FOR the purpose of altering the maximum capacity for ammunition in a detachable  
4 magazine for a firearm that can be manufactured, sold, offered for sale,  
5 purchased, received, or transferred; altering the number of rounds of  
6 ammunition in a magazine or an assault pistol, which when used by a person in  
7 the commission of a felony or crime of violence, results in that person being  
8 guilty of a misdemeanor and subject to certain penalties; and generally relating  
9 to firearms with detachable magazines.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Law  
12 Section 4–305 and 4–306  
13 Annotated Code of Maryland  
14 (2002 Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Criminal Law**

18 4–305.

19 (a) This section does not apply to a .22 caliber rifle with a tubular magazine.

20 (b) A person may not manufacture, sell, offer for sale, purchase, receive, or  
21 transfer a detachable magazine that has a capacity of more than [20] 10 rounds of  
22 ammunition for a firearm.

23 4–306.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           (a)    A person who violates this subtitle is guilty of a misdemeanor and on  
2 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
3 \$5,000 or both.

4           (b)    (1)   A person who uses an assault pistol, or a magazine that has a  
5 capacity of more than [20] **10** rounds of ammunition, in the commission of a felony or  
6 a crime of violence as defined in § 5–101 of the Public Safety Article is guilty of a  
7 misdemeanor and on conviction, in addition to any other sentence imposed for the  
8 felony or crime of violence, shall be sentenced under this subsection.

9                   (2)   (i)   For a first violation, the person shall be sentenced to  
10 imprisonment for not less than 5 years and not exceeding 20 years.

11                               (ii)   The court may not impose less than the minimum sentence  
12 of 5 years.

13                               (iii)   The mandatory minimum sentence of 5 years may not be  
14 suspended.

15                               (iv)   Except as otherwise provided in § 4–305 of the Correctional  
16 Services Article, the person is not eligible for parole in less than 5 years.

17           (3)    (i)   For each subsequent violation, the person shall be sentenced  
18 to imprisonment for not less than 10 years and not exceeding 20 years.

19                               (ii)   The court may not impose less than the minimum sentence  
20 of 10 years.

21                               (iii)   A sentence imposed under this paragraph shall be  
22 consecutive to and not concurrent with any other sentence imposed for the felony or  
23 crime of violence.

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2011.