

(2) A PERSON MAY NOT COMMIT AN ASSAULT WITH A FIREARM, INCLUDING:

(I) A HANDGUN, ANTIQUE FIREARM, RIFLE, SHOTGUN, SHORT-BARRELED SHOTGUN, OR SHORT-BARRELED RIFLE, AS THOSE TERMS ARE DEFINED IN § 36F OF THIS ARTICLE;

(II) AN ASSAULT PISTOL, AS DEFINED IN § 36H-1 OF THIS ARTICLE;

(III) A PISTOL, REVOLVER, OR ANTIQUE PISTOL OR REVOLVER, AS THOSE TERMS ARE DEFINED IN § 441 OF THIS ARTICLE;

(IV) AN ASSAULT WEAPON, AS DEFINED IN § 481E OF THIS ARTICLE;
AND

(V) A MACHINE GUN, AS DEFINED IN § 372 OF THIS ARTICLE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF ASSAULT IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 25 YEARS.

12A-2. RECKLESS ENDANGERMENT.

(A) ANY PERSON WHO RECKLESSLY ENGAGES IN CONDUCT THAT CREATES A SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER PERSON IS GUILTY OF THE MISDEMEANOR OF RECKLESS ENDANGERMENT AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

(B) THIS SECTION DOES NOT APPLY TO ANY CONDUCT INVOLVING:

(1) THE USE OF A MOTOR VEHICLE AS DEFINED IN § 11-135 OF THE TRANSPORTATION ARTICLE; OR

(2) THE MANUFACTURE, PRODUCTION, OR SALE OF ANY PRODUCT OR COMMODITY.

(C) IF MORE THAN ONE PERSON IS ENDANGERED BY THE CONDUCT OF THE DEFENDANT, A SEPARATE CHARGE MAY BE BROUGHT FOR EACH PERSON ENDANGERED.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This is the current reckless endangerment statute with mainly stylistic changes. It does not distinguish between whether any injury actually occurs and the instrumentality used, if any, in creating the risk of death or serious physical injury.

Subsection (c) is new language. This change is intended to clarify that the appropriate unit of prosecution may be based on the number of individuals in danger. For example, a single act endangering 20 individuals could result in 20 convictions. Alternatively, the State may choose to charge only one count for an occurrence, even though many persons were endangered. It is up to the State to decide how to charge and