

- (VII) BURGLARY IN ANY DEGREE;
- (VIII) ESCAPE IN THE FIRST DEGREE; OR
- (IX) THEFT.

(2) "CRIME OF VIOLENCE" INCLUDES AN ATTEMPT TO COMMIT A CRIME LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 372.

The former phrase "applies to and includes any of the following crimes or an attempt to commit any of the same" is deleted to distinguish between primary crimes and attempted crimes for clarity.

In paragraph (1) of this subsection, the conjunction "or" is substituted for the former conjunction "and" for accuracy and consistency in describing the qualifying crimes.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that although "rape in any degree" is listed as a "crime of violence" in paragraph (1)(iv) of this subsection, the related crimes of "sexual offense in the first degree" and "sexual offense in the second degree", §§ 3-304 and 3-305 of this article, respectively, are not included. The General Assembly may wish to consider whether any of the "sexual offenses" codified in Title 3, Subtitle 3 of this article should be added to the definition of "crime of violence" in this subsection.

(C) MACHINE GUN.

"MACHINE GUN" MEANS A LOADED OR UNLOADED WEAPON THAT IS CAPABLE OF AUTOMATICALLY DISCHARGING MORE THAN ONE SHOT OR BULLET FROM A MAGAZINE BY A SINGLE FUNCTION OF THE FIRING DEVICE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, § 372.

The former phrase "of any description, by whatever name known," is deleted as surplusage in light of the common reference to the undefined term "weapon".

4-402. POSSESSION OF MACHINE GUN.

(A) EVIDENCE OF POSSESSION.

THE PRESENCE OF A MACHINE GUN IN A ROOM, BOAT, OR VEHICLE IS EVIDENCE OF THE POSSESSION OR USE OF THE MACHINE GUN BY EACH PERSON OCCUPYING THE ROOM, BOAT, OR VEHICLE.

(B) EXCEPTIONS.

THIS SUBTITLE DOES NOT PROHIBIT OR INTERFERE WITH: