

**Bill Number: HB356**

**Scott D. Shellenberger, State's Attorney for Baltimore County  
Support**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN SUPPORT OF HOUSE BILL 356**  
**INCREASING PENALTIES FOR FIREARMS VIOLATIONS**

I write in support of House Bill 356 which increases many of the penalties and fixes procedures regarding illegal use by convicted criminals of firearm violations.

As all of us know, firearms cause the majority of murders and violent crime throughout Maryland. If we increase the sentences for violent repeat offenders who use handguns, hopefully it will lessen the violent crime in our state.

A quick summary of what House Bill 356 will do:

1. Takes use of possession of firearm out of technical violation of probation which allows a Judge to give a full sentence
2. Gives the State the right to appeal many gun cases (usually if you lose motions at the trial level)
3. Makes use of firearm in crime of violence a felony  
2<sup>nd</sup> offense for firearm in crime of violence – minimum 10 years, maximum 20 and cannot suspend the sentence  
No parole eligibility for both mandatory minimums  
Does the same for assault rifles and machine guns
4. Carves out theft of a firearm as a felony (it usually depends on the value of the gun)  
1<sup>st</sup> offense two year minimum, 10 year maximum  
2<sup>nd</sup> five year minimum, 15 year maximum
5. District Court Commissioner can't release a Defendant if:
  - a. Already pretrial for crime of violence
  - b. Charged with possession and use of firearm, sale, straw purchase, sale of stolen firearm
6. 2<sup>nd</sup> offense for possession of firearm raises to 10 year maximum.
7. May not sell to prohibited person and increases the penalty  
Makes it a felony and increases maximum to 15 years

These are common sense changes to our gun laws that go after those offenders who are doing illegal things with guns and who are causing the most violence.

I urge a favorable report.