



HB 356  
Firearms - Penalties and Procedures  
OPPOSED

February 4, 2020

## **In summary, HB 356 includes...**

- 3 miscellaneous provisions;
- 9 sentencing/penalty provisions;
- 2 new offenses.

## Changes Definition of “Technical Violation,” But to What Effect?

*Page 4, lines 5-6*

- (m) “Technical violation” means a violation of a condition of probation, parole, or mandatory supervision that **does not** involve:
- (1) an **arrest** or a **summons** issued by a commissioner on a statement of charges filed by a law enforcement officer;
  - (2) a violation of a **criminal prohibition** other than a minor traffic offense;
  - (3) a violation of a no-contact or stay-away order; [or]
  - (4) absconding; OR
  - (5) USE OR POSSESSION OF A FIREARM.

## Regarding sentencing, HB 356 imposes...

- 6 *new* mandatory minimums;
- 5 *consecutive*, not concurrent, sentences;
- 2 *longer* maximum penalties.

## **New Mandatory Minimum Applying to Criminal Law § 4-204**

*Language Seems Reasonable – a Person May Not:*

“use a firearm in the commission of a  
crime of violence...or any felony”

## **New Mandatory Minimum Applying to Criminal Law § 4-204**

*But “Use” of a “Firearm” is Interpreted Exceedingly Broadly:*

use, or another’s use, of a firearm, whether loaded or unloaded, whether operable or inoperable, including a firearm part, or a starter gun, in the commission of a crime of violence or other non-violent felony, even if defendant is not found guilty of the associated felony or other crime of violence.