



SB 35  
Crimes of Violence - Definition  
OPPOSED

January 14, 2020

**If SB 35 passed, Criminal Law Section 14-101(a)(14) would read as follows:**

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(14) use of a firearm in the commission of a felony or other crime of violence;

**...but would be interpreted, in accord with Criminal Law Section 4-204, to mean:**

...crime of violence means...

(14) 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 **non-violent** felony or other crime of violence, **even if found not guilty of the felony or other crime of violence**;

**Under current law, all persons guilty of Criminal Law Section 4-204 face the following tiered system of penalties:**

<b>1<sup>st</sup> time:</b>	<b>Min 5 years to 20</b>	<b>Non-suspendable</b>	<b>Non-parolable</b>	<b>Concurrent or consecutive</b>
<b>2<sup>nd</sup> time +:</b>	<b>Min 5 years to 20</b>	<b>Non-suspendable</b>	<b>Non-parolable</b>	<b>Only Consecutive</b>

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**Stacking SB 35's CoV definition on top of this penalty would add:**

<b>2nd time:</b>	<b>Min 10 years</b>	<b>Non-suspendable</b>	<b>Non-parolable</b>
<b>3rd time:</b>	<b>Min 25 years</b>	<b>Non-suspendable</b>	<b>Non-parolable</b>
<b>4<sup>th</sup> time:</b>	<b>LWOP</b>	<b>Non-suspendable</b>	<b>Non-parolable</b>