



SB 273
Firearms - Penalties and Procedures
OPPOSED

February 5, 2020

In summary, SB 273 includes...

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

Regarding sentencing, SB 273 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.

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.