

INCREASED IMPRISONMENT CHART FOR SB 122 (3RD READER)

Page #	CURRENT LAW	SB 122
16-17	Criminal Law § 9-302 - Inducing false testimony or avoidance of subpoena:	This is in the original SB 122 and applies to 1 st time offenders:
	<ul style="list-style-type: none"> • Relating to misdemeanor – up to 5 years and \$5,000 fine • Relating to felony - up to 20 years 	<ul style="list-style-type: none"> • Relating to underlying misdemeanor charge – up to 10 years and up to \$10,000 fine • Relating to underlying felony charge - up to 30 years
17-18	Criminal Law § 9-303 - Retaliation for testimony:	This is in the original SB 122 and applies to 1 st time offenders:
	<ul style="list-style-type: none"> • Relating to misdemeanor – up to 5 years and \$5,000 fine • Relating to felony - up to 20 years 	<ul style="list-style-type: none"> • Relating to underlying misdemeanor charge – up to 10 years and up to \$10,000 fine • Relating to underlying felony charge - up to 30 years
18-19	Criminal Law § 9-305 - Intimidating or corrupting juror:	This is in the original SB 122 and applies to 1 st time offenders:
	<ul style="list-style-type: none"> • Relating to misdemeanor – up to 5 years and \$5,000 fine • Relating to felony - up to 20 years 	<ul style="list-style-type: none"> • Relating to underlying misdemeanor charge – up to 10 years and up to \$10,000 fine • Relating to underlying felony charge - up to 30 years
9-12	Criminal Law § 4-203 - Wearing, carrying or transporting handgun:	This is a new provision not contained in the Hogan proposal:
	<ul style="list-style-type: none"> • 1st time offender – not less than 30 day minimum and up to 3 years 	<ul style="list-style-type: none"> • 1st time offender – same
	<ul style="list-style-type: none"> • 2nd time offender – not less than 1 year minimum and up to 10 year 	<ul style="list-style-type: none"> • 2nd time offender – not less than 1 year minimum and up to 15 years
	<ul style="list-style-type: none"> • 3rd or subsequent offender – not less than 3 year minimum and up to 10 years 	<ul style="list-style-type: none"> • 3rd or subsequent offender – not less than 5 year minimum and up to 15 years
	<ul style="list-style-type: none"> • 1st time offender on public school property – not less than 90 day minimum 	<ul style="list-style-type: none"> • 1st time offender on public school property – same
	<ul style="list-style-type: none"> • 2nd time offender on public school property – not less than 3 year minimum and up to 10 years 	<ul style="list-style-type: none"> • 2nd time offender on public school property – not less than 5 year minimum and up to 15 years
	<ul style="list-style-type: none"> • 3rd time offender on public school property – not less than 5 year minimum and up to 10 years 	<ul style="list-style-type: none"> • 3rd or subsequent offender on public school property – not less than 10 year minimum and up to 15 years
<ul style="list-style-type: none"> • 3rd or subsequent offender with purpose of injuring or killing – not less than 5 year minimum and up to 10 years 	<ul style="list-style-type: none"> • 3rd or subsequent offender with purpose of injuring or killing – not less than 10 year minimum and up to 15 years 	

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12-13	Criminal Law § 4-204 - Use of handgun or antique firearm in commission of crime:	Adopts and amends Hogan proposal:
	<ul style="list-style-type: none"> Misdemeanor – 5 year mandatory minimum and up to 20 years for first or any subsequent offense 	<ul style="list-style-type: none"> 1st time offender – same
		<ul style="list-style-type: none"> 2nd and subsequent offender – 10 year mandatory minimum, the last 5 years of which are parole eligible, and up to 40 years
14-16	Criminal Law § 5-621 – Possess, use, wear, carry or transport of firearm and trafficking.	Fully adopts the Hogan proposal:
	<ul style="list-style-type: none"> 1st time offender – 5 year mandatory minimum and up to 20 years 	<ul style="list-style-type: none"> 1st time offender – same
	<ul style="list-style-type: none"> 2nd and subsequent offender – 10 year mandatory minimum and up to 20 years 	<ul style="list-style-type: none"> 2nd and subsequent offender – 10 year mandatory minimum and up to 40 years

TOTALS:

- The bill contains within its provisions 11 minimums related to 4 offenses;
 - The 4 offenses include 2 misdemeanors, 1 felony offense, and one offense that is either a misdemeanor or felony;
 - The 4 offenses include 3 that are *not* defined as crimes of violence.
- Of the 11 minimums, *5 apply to first-time offenders.*
- The bill **increases minimum penalties** in 4 provisions.
- The bill **increases maximum penalties** in 12 provisions.
- The bill **creates a new 10-year mandatory minimum sentence** for a 2nd time offender, the last 5 years of which can be suspended by a judge and subject to parole, and which is subject to a new **up to 40-year** maximum.

OTHER RELEVANT FELONY SENTENCES AND MINIMUMS IN CURRENT LAW:

1st degree murder – life without parole
 1st degree murder – attempt, conspiracy, solicitation – life
 2nd degree murder – 40 years
 2nd degree murder – attempt – 30 years
 1st degree assault – 25 years
 2nd degree assault – 10 years
 Carjacking – armed or unarmed – 30 years

Robbery – with a weapon or note claiming possession of weapon – 20 years
 Robbery – 15 years
 2nd conviction for a crime of violence – 10 year mandatory minimum
 3rd conviction for a crime of violence – 25 year mandatory minimum
 4th conviction for a crime of violence – life without parole
 CDS Distribution – 20 years
 Marijuana Distribution – 5 years