

Know More: A state-by-state comparison of firearm sentence enhancements (prepared by non-lawyers using the internet)



Illinois' firearm enhancements are—by multiple measures—the country's most extreme. How did we reach that conclusion in our [blog post on enhanced sentences for firearms](#)? By comparing them to the enhancements in every other state.

The results of our research are compiled in the table below. Here's what the table headers mean:

- **State.** This will tell you the U.S. state.
- **Overview.** This will tell you how the enhancement works. There's a lot of variety.
- **Mandatory/discretionary?** This will tell you whether the enhancement applies automatically (i.e. mandatory) or at the discretion of judges and sentencing courts.
- **Lowest minimum (circumstances).** Loosely, this will tell you what the lowest possible minimum is for a firearm-assisted felony conviction.

A few points of note and things to keep in mind when reading the table and making comparisons:

- We use the term “flat” to refer to enhancements—mandatory or discretionary—that do not adjust based on aggravating or extenuating circumstances (compared, for instance, to those that ask judges to enhance sentences by some amount within a range of years).
- Not all states define what constitutes firearm “use” during a felony, and possession without brandishing or discharge may or may not qualify as “use” in different states.
- Some states have enhancements that scale with felony class: keep this in mind when seeking to compare “lowest minimums.”
- Many states have augmented penalties for certain more dangerous weapons, like silencers, shortened (“sawed-off”) shotguns and machine guns. Generally, these states will have a separate statute that defines each of these in a state-by-state context, and they may not be directly comparable.
- Laws and statutes change: this table was written in March 2018 and may be different in a few years.

Our sources are gathered after the table for reference.

Table 1. State-by-state overview of firearm enhancements

State	Overview	Mandatory/ discretionary?	Lowest minimum (circumstances)
Alabama	<p>Changes the required minimum sentence to 10 years for most offenses; 20 years for certain serious crimes.</p> <p>This is NOT a consecutive addition. For instance, the enhanced sentence for a crime with a base minimum for 7-year would become 10 years, not 17.</p> <p>Separately, adds a flat 5 years if the base offense is drug trafficking (this IS a consecutive addition).</p>	Mandatory	<p>10 yrs. (changed minimum, NOT additive)</p> <p>5 yrs. (added to drug crimes)</p>
Alaska	<p>Adds a range of 5-9 years for a first firearm offense; 8-12 for second, and 13-20 for a third and subsequent offenses.</p> <p>For a select set of crimes involving sexual exploitation, abuse, or assault of minors, the mandatory enhancement range is 25-35 years.</p>	Mandatory	<p>5 yrs. (first offense, bottom of enhancement range)</p>
Arizona	<p>As distinct felonies: depending on case of usage/possession, firearm offenses are considered anywhere from a class 6 to a class 2 offense, which each carry their own statutory ranges.</p> <p>For most offenses—including serious and violent offenses—firearm possession is a class 6 felony (no required prison term). For certain drug and trafficking offenses, firearm use is a class 3 or 4 felony. For terrorism, firearm offense is a class 2 felony.</p>	Mandatory	<p>0 yrs. (nondrug, non-terrorism offense)</p>

Arkansas	<p>At judge’s discretion, adds up to 15 years for a first firearm offense.</p> <p>For second and subsequent firearm offenses, requires judges to add a range of 10-15 years.</p>	Discretionary	0 yrs. (for a first offense, at judge’s discretion)
California	<p>At judge’s discretion, and for certain serious offenses (murder, assault, carjacking, etc.), adds flat 10 years for possession; flat 20 for discharge without injury; or flat 25 years for discharge causing death or great bodily harm.</p> <p>For other offenses, judges may add a flat 3, 4, or 10 years for firearm use; or 5, 6, or 10 years if the firearm was a legally defined “machinegun.”</p>	Discretionary (as of the recently passed SB-620 ; formerly mandatory)	0 yrs. (judge’s discretion)
Colorado	<p>Changes the required minimum sentence to the midpoint of the base offense’s statutory range (e.g. individuals convicted of a firearm-assisted offense with range 8-24 years must receive a sentence no less than 16 years).</p> <p>Separately, adds a flat 5 years for certain dangerous weapons, including “machine guns” or “short shotguns.”</p>	Mandatory	<p>¼ yrs. (least serious class of felony offense)</p> <p>8 yrs. (second-most serious class of offense)</p>
Connecticut	Adds a flat 5 years for certain offenses, or 8 years if firearm is in a class of legally defined “assault weapons.”	Mandatory	5 yrs. (non-assault weapon for certain offenses)
Delaware	<p>Adds flat 3 years for first offense, or 5 for second and subsequent offenses.</p> <p>The law also includes a provision that automatically transfers a 17-year-old to adult court if convicted for an enhancement-eligible offense.</p>	Mandatory	3 yrs. (first offense)
Florida	Adds flat 10 years for possession, 20 for discharge, and 25 years for discharge causing death or great bodily harm.	Mandatory	10 yrs. (possession)

	Also increases the sentence class by one grade, which increases the maximum allowable sentence.		
Georgia	Adds flat 5 years for first offense, or 10 for second and subsequent offenses.	Mandatory	5 yrs. (first offense)
Hawaii	Depending on base offense, adds flat 3 (class C felony) to 15 years (second-degree murder); for second and subsequent offenses and/or if the firearm is semiautomatic or automatic, adds flat 5 (class C felony) to 20 (second-degree murder) instead. Enhancements do not apply to first-degree murder, which in Hawaii carries a minimum term of life without parole.	Mandatory	3 yrs. (first offense for a class C felony)
Idaho	Raises the maximum allowable sentence by 15 years; no change to minimum.	Discretionary	0 yrs. (judge's discretion)
Illinois	For certain offenses, adds flat 15 years for possession, 20 years for discharge, and 25 years for discharge causing death or great bodily harm.	Mandatory	15 yrs. (possession)
Indiana	As of March 2018, no enhancement outside of drug trafficking, in which case the law adds flat 5 years for most firearms, or between 10 and 20 years for different classes of more dangerous weapons (sawed-off shotgun, machine gun, silencers). Indiana is currently considering a bill that would require judges to add flat 10 years for firearm use during a felony.	Mandatory	0 yrs. (non-drug offense) 5 yrs. (drug offense)
Iowa	For certain offenses, adds flat 5 years for possession or display.	Mandatory	5 yrs. (possession)
Kansas	For certain nondrug offenses involving other persons, limits judges to only considering prison sentences, rather than probation or other non-prison sentences.	Both (offense-dependent)	0 yrs. (non-drug offense) ½ yrs. (relevant drug offense)

However, judges are allowed to DEPART from the enhancement (and dispense a non-prison sentence) if they state their reasons on record.

Separately and for certain drug offenses, adds flat 6 months for possession or 18 months for discharge.

Kentucky	Increases misdemeanor or felony class by one level, which produces a change in minimum of 1 (misdemeanor to class D felony) to 10 years (class B to class A felony).	Mandatory	1 yr. (misdemeanor automatically elevated to least serious class D felony)
Louisiana	<p>At their discretion, judges may add 2 years for possession, 5 for non-discharge use, 10 for discharge, or 15 for discharge leading to injury for many offenses.</p> <p>If they choose to DEPART from the enhancement, judges must state their reasons on record.</p> <p>Separately, for certain violent offenses, changes required minimum to 10 years for possession or 20 for discharge.</p> <p>This is NOT a consecutive addition (see Alabama), and judges may choose to DEPART as above.</p> <p>If an enhancement would increase the sentence to beyond the maximum for the base sentence, the court must INSTEAD sentence the maximum, with no further addition.</p>	Discretionary	0 yrs. (judge's discretion)
Maine	<p>Adds flat 1 to 4 years depending on base offense.</p> <p>Also increases the sentence class by one grade, which increases the maximum allowable sentence.</p>	Mandatory	1 yrs. (class C offense)
Maryland	As distinct felony: first possession during a "crime of violence" carries range of 5-20 years; for subsequent	Mandatory	5 yrs. (possession during crime of violence)

offenses or if firearm was an “assault pistol,” range of 10-20 years.

Maryland uses a point-based sentencing matrix to determine sentencing; firearm possession adds 2 points, while causing injury or death adds an additional 1 or 2 points, respectively.

At lowest level (first offense with fewer aggravating factors), a 2-point increase may not lead to an increased prison term at all. If there are other aggravating factors, however, a 2-point increase could result in sentence increases in the range of 8-10 years.

Massachusetts	Adds a range of 5-20 years, or 10-25 years if firearm was a large capacity weapon.	Mandatory	5 yrs. (standard firearm)
Michigan	Adds flat 2, 5, or 10 years for first, second, and subsequent offenses, respectively.	Mandatory	2 yrs. (first offense)
Minnesota	Adds flat 3 years for first possession/brandishing, 5 for second and subsequent; discharge offenses handled separately. If an enhancement would increase the sentence to beyond the maximum for the base sentence, the court must INSTEAD sentence the maximum, with no further addition.	Mandatory	3 yrs. (first possession/brandishing)
Mississippi	Adds flat 5 years for use or display, or 10 if person has a previous felony conviction. Separately, for certain drug crimes, firearm possession raises the maximum allowable sentence.	Mandatory	5 yrs. (use/display by a first-time offender)
Missouri	Adds flat 3, 5, or 10 years for first, second, and subsequent offenses.	Mandatory	3 yrs. (first offense)
Montana	Adds a range of 2-10 years for first offense and 4-20 for subsequent; statute specifically excludes juveniles from the enhancement.	Mandatory	2 yrs. (first offense)

			0 yrs. (for persons under 18 at time of offense) 1 yrs. (possession)
Nebraska	As distinct felony: firearm possession or use during felony carries range of 1-50 years (possession) or 5-50 (use).	Mandatory	
Nevada	Adds a range of 1-20 years for possession. This enhancement must not exceed the base sentence (e.g. a 6-year enhancement cannot be added to a 4-year base sentence).	Mandatory	1 yrs. (possession)
New Hampshire	Adds a range of 3-20 years for “felonious use of a firearm.”	Mandatory	3 yrs.
New Jersey	For certain serious violent offenses, adds the greater of 3.5 years (42 months) or half of base sentence, or 1.5 years for a legally defined “fourth-degree” crime. If—for many of the same offenses, plus certain drug crimes—the firearm was a machine gun/assault rifle, changes the minimum to 10 years, 5 for “third-degree” crimes, or 1.5 years (18 months) for “fourth-degree.” For machine gun/assault rifle, this is NOT a consecutive addition (see Alabama).	Mandatory	1.5 years (fourth-degree crime)
New Mexico	For noncapital felonies, adds flat 1 or 3 years for first and subsequent firearm use offenses, respectively; adds flat 2 for first firearm offense by youthful offender.	Mandatory	1 yrs. (first offense, noncapital)
New York	At their discretion, judges may add a flat 5 years for the “criminal firearm use in the first degree.” Judges may DEPART from the enhancement if they find on record that “having regard to the nature and circumstances of the crime and to the history and character of the defendant,” an enhancement would be “unduly harsh and that not imposing such a sentence would be consistent with public safety.”	Discretionary	0 yrs. (discretion in a first-degree case) 1 yrs. (minimum in a second-degree case)

In the second degree, criminal use is a separate class C felony, which carry a 1 to 15-year range (but potentially concurrent).

North Carolina	It's complicated. Instead of having a stand-alone firearm enhancement, the penalty for using firearms during a crime are reflected in the base offense. For instance, first-degree forcible rape is a more heavily punished crime than second-degree rape, and one of the distinguishing features is the employment or display of a deadly weapon during the rape. Similarly, assaults involving firearms are punished in a distinct category beyond other non-firearm assaults.	Mandatory	Charge-dependent
North Dakota	Adds flat 4 years for more serious offenses or 2 years for less serious offenses (based on North Dakota's felony class structure).	Mandatory	2 yrs. (for least serious enhancement-eligible base offense)
Ohio	<p>Adds flat 6 years for possession of automatic or silenced firearm, 9 for subsequent offenses.</p> <p>For other firearms, adds flat 3 years for display/brandishing (4.5 for repeat), or 1 for possession (1.5 for repeat).</p> <p>As distinct felonies, discharge of firearm from vehicle carries a 5-year minimum; discharge at peace officer carries a 7-year minimum.</p>	Mandatory	1 yr. (first possession offense with non-automatic weapon)
Oklahoma	<p>As distinct felony: possession carries a range of 2-10 years for first offense, 10-30 for subsequent.</p> <p>Discharge during a "crime of violence" carries a minimum of 10 years, though judges have discretion to apply this enhancement concurrently.</p> <p>Both the possession and discharge offenses may apply to the same act.</p>	Mandatory (with discretionary element)	2 yrs. (first possession offense during nonviolent crime)

Oregon	<p>For standard firearms, adds flat 5, 10, or 30 years for first, second, and subsequent offenses; adds 10, 20, or 30 years for first, second, and subsequent offenses with more dangerous weapons (machine gun, short rifle/shotgun, silencer).</p> <p>For a first offense, judges may choose a different, non-enhanced sentence “in accordance with the rules of the Oregon Criminal Justice Commission.”</p>	Both	<p>0 yrs. (judge’s discretion)</p> <p>5 yrs. (first standard offense)</p>
Pennsylvania	Pennsylvania uses a point-based Deadly Weapon Enhancement Matrix to determine sentencing; separate tables for possession and use.	Mandatory	Charge-dependent
Rhode Island	<p>Adds flat 10 years for first non-discharge use of a standard firearm during a “crime of violence,” or 20 for subsequent offenses; if firearm is a machine gun, adds flat 20 years or elevates to life for first and subsequent offenses, respectively.</p> <p>Discharge adds 10 years for no injury, 20 years for non-police injury, life for police injury or death/permanent incapacity.</p>	Mandatory	10 yrs. (first non-discharge use for a “crime of violence”)
South Carolina	Adds flat 5 years for possession or “visible display.” Judge has discretion to apply this minimum concurrently if another mandatory minimum is in place.	Mandatory (with discretionary element)	5 yrs. (judge’s discretion to apply concurrently or consecutively)
South Dakota	For first class 2 offense, adds flat 5 years; for second class 2 offense or any class 1 offense (first or subsequent), adds flat 10 years.	Mandatory	5 yrs. (class 2, first offense)
Tennessee	Adds flat 3 or 6 years for possession or use, respectively; if defendant has prior felony convictions, increased to flat 5 and 10 years for possession and use, respectively	Mandatory	3 yrs. (possession, no prior convictions)

Prosecutors must choose whether to pursue the enhancement change on a less serious base offense or a more serious base offense with no enhancement (i.e. no “double-dipping” for crimes like armed robbery).

Texas	No specific firearm enhancement for possession or use during the commission of another felony.	None	0 yrs. (no enhancement)
Utah	For first offense, adds flat 1 year; for subsequent offenses, adds a range of 5-10 years. Separately, raises the maximum allowable sentence by 5 years for second or third-degree felonies.	Mandatory	1 yrs. (first offense)
Vermont	For possession, adds up to 5 years.	Discretionary	0 yrs. (judge’s discretion)
Virginia	As distinct felony: for first offense, flat 3 years; for subsequent, flat 5 years.	Mandatory	3 yrs. (first offense)
Washington	Adds flat 1.5 to 5 years, based on base offense severity. Enhancements cannot raise the sentence beyond the maximum for the base sentence UNLESS the defendant is a repeat offender.	Mandatory	1.5 years (least serious base offense by non-repeat offender)
West Virginia	As distinct felony: use or “presenting” of a firearm requires imprisonment not more than 10 years.	Discretionary	0 yrs. (no minimum stated)
Wisconsin	At judge’s discretion, permits adding of flat 6 months up to 5 years, based on offense severity.	Discretionary	0 yrs. (judge’s discretion)
Wyoming	At judge’s discretion, permits adding up to 10 years for first offense, or 20 years for subsequent.	Discretionary	0 yrs. (judge’s discretion)

Table 2. Relevant statutes and other linked sources for firearm enhancements in each state

State	Universal Citations & Linked Other Sources
Alabama	AL Code § 13A-5-6 (2017) AL Code § 13A-12-231 (2017)
Alaska	AK Stat § 12.55.125 (2016)
Arizona	AZ Rev Stat § 13-3102 (2017)
Arkansas	AR Code § 16-90-120 (2016) AR Code § 16-90-121 (2016)
California	Passed SB-620 Firearms: crimes: enhancements. (2017-2018) CA Penal Code § 12022.5 (2017) CA Penal Code § 12022.53 (2017)
Colorado	CO Rev Stat § 18-1.3-401 (2017) CO Rev Stat § 18-1.3-406 (2017)
Connecticut	CT Gen. Stat. § 53-202j (2016) CT Gen. Stat. § 53-202k (2016)
Delaware	11 DE Code § 1447A (2017)
Florida	FL Stat § 775.087 (2017)
Georgia	GA Code § 16-11-106 (2016)
Hawaii	HI Rev Stat § 706-660.1 (2017)
Idaho	ID Code § 19-2520 (2017)
Illinois	
Indiana	IN Code § 35-50-2-13 (2016)
Iowa	IA Code § 902.7 (2017)
Kansas	KS Stat § 21-6804 (2017) KS Stat § 21-6805 (2017)
Kentucky	KY Rev Stat § 218A.992 (2017)
Louisiana	LA Code Crim Pro 893.3 (2017)
Maine	17-A ME Rev Stat § 1252 (2017)
Maryland	Maryland Sentencing Guidelines Manual Version 9.1 (see pages 20 and 32) MD Crim Law Code § 4-204 (2016) MD Crim Law Code § 4-306 (2016)
Massachusetts	MA Gen L ch 265 § 18B (2017)
Michigan	MI Comp L § 750.227b (2016)
Minnesota	MN Stat § 609.11 (2017)

Mississippi	MS Code § 41-29-152 (2016) MS Code § 97-37-37 (2016)
Missouri	MO Rev Stat § 571.015 (2017)
Montana	MT Code § 46-18-221 (2017) MT Code § 46-18-222 (2017)
Nebraska	NE Code § 28-1205 (2017)
Nevada	NV Rev Stat § 193.163 (2017) NV Rev Stat § 193.165 (2017)
New Hampshire	NH Rev Stat § 651:2 (2017)
New Jersey	NJ Rev Stat § 2C:43-6 (2016)
New Mexico	NM Stat § 31-18-16 (2016)
New York	NY Penal L § 265.09 (2016) NY Penal L § 265.08 (2016)
North Carolina	NC Gen Stat § 14 (2016) – no specific law (chapter 14 is just the state’s criminal law statutes)
North Dakota	ND Century Code § 12.1-32-02.1 (2016)
Ohio	Ohio Rev Code § 2929.14-2 (2017)
Oklahoma	21 OK Stat § 21-1287 (2017) 21 OK Stat § 21-1287.1 (2017)
Oregon	OR Rev Stat § 161.610 (2017)
Pennsylvania	Deadly Weapon Enhancement/Possessed Matrix Deadly Weapon Enhancement/Used Matrix
Rhode Island	RI Gen L § 11-47-3.2 (2017)
South Carolina	SC Code § 16-23-490 (2017)
South Dakota	SD Codified L § 22-14-12 (2017)
Tennessee	TN Code § 39-17-1324 (2016)
Texas	Research report from the Texas Public Policy Foundation
Utah	UT Code § 76-3-203.8 (2017)
Vermont	13 V.S.A. § 4005 18 V.S.A. § 4253
Virginia	VA Code § 18.2-53.1 (2017)
Washington	WA Rev Code § 9.94A.533 (2017)
West Virginia	WV Code § 61-7-15A (2017)
Wisconsin	WI Stat § 939.63 (2017)
Wyoming	WY Stat § 6-8-101 (2016)