

Crimes with Mandatory Minimum Prison Sentences — Updated and Revised

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September 1, 2017 | 2017-R-0134

Issue

List Connecticut criminal offenses that have mandatory minimum prison sentences. This report updates OLR Report [2015-R-0055](#) to reflect changes from the 2015, 2016, and 2017 legislative sessions.

Summary

We identified over 70 crimes that carry a mandatory minimum prison sentence of a specific duration. The mandatory minimum sentences range from a low of 48 hours for a first offense of driving or boating under the influence if the offender is not sentenced to community service, to a high of life without possibility of release for murder with special circumstances.

Of these crimes, we identified 15 that can result in a person being punished as a persistent dangerous felony offender. By law, someone can be prosecuted as a persistent dangerous felony offender if he or she

Mandatory Minimum Sentences

Mandatory minimum sentences are minimum prison terms that a court must impose.

We identified over 70 crimes with mandatory minimum sentences.

A court may impose a greater sentence, up to the maximum authorized for the specific crime.

Although the court must sentence an offender convicted of one of these crimes to at least the mandatory minimum prison term, in some situations an offender may be released from prison on supervision before completing a mandatory term if he or she meets the criteria and is granted a release under various statutes.

stands convicted of certain serious crimes and has prior convictions of certain serious crimes. This law enhances penalties for these offenders, including doubling or tripling the mandatory minimum sentence that would otherwise apply.

We identified a few changes to mandatory minimum sentencing laws since our 2015 report, including changes affecting drug possession and certain driving under the influence (DUI) and sexual assault crimes. Other acts changed the scope of two murder crimes with mandatory minimum sentences.

Changes from 2015, 2016, and 2017 Legislative Sessions

Drug Possession

[PA 15-2, June Special Session](#) eliminated the two-year mandatory minimum sentence for drug possession near schools or day care centers (a judge could depart from the mandatory sentence under certain circumstances). The act instead punishes such possession as a class A misdemeanor with a required prison and probation sentence (but no specified minimum prison term).

DUI with a Child Passenger or when Driving a School Bus

[PA 16-126](#) created specific crimes for (1) DUI with a child passenger or (2) DUI when driving a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying children, separate from the general DUI statute. Among other increased penalties compared to existing DUI law, the new crimes require a mandatory minimum prison term for first convictions (the existing DUI law requires either a mandatory minimum term or suspended sentence with probation with community service for such convictions).

First Degree Aggravated Sexual Assault

Among other changes affecting sentencing for certain sexual assault crimes, [PA 15-211](#) (§§ 16 & 17) generally raised the mandatory minimum prison term for 1st degree aggravated sexual assault from five to 10 years when the victim is under age 16. (As under prior law, the mandatory minimum is 20 years in certain circumstances with such victims.)

Scope of Certain Murder Statutes

Other laws since 2015 made changes affecting the scope of two murder crimes with existing mandatory minimum sentences, as follows:

1. [PA 15-84](#) (§ 7) prohibited convicting someone of murder with special circumstances, which carries a mandatory minimum sentence of life in prison without the possibility of release, unless the offender was at least age 18 at the time of the offense and
2. [PA 15-211](#) (§ 3) added home invasion to the list of underlying crimes for which a person may be charged with felony murder. Under existing law, felony murder carries a 25-year mandatory minimum sentence.

Offenses with Mandatory Minimum Sentences

In Table 1 below, we list offenses that carry a mandatory minimum sentence arranged by their classification, with crimes in statutory numerical order within each classification. These include class A felonies, which carry a 10-year minimum sentence. ([CGS §§ 53a-28](#) and [53a-29](#) prohibit suspension or reduction of any sentence for a class A felony, meaning that the 10-year minimum sentence for a class A felony under [CGS § 53a-35a](#) becomes a mandatory minimum.) Unclassified crimes are listed at the end of the table.

By law, attempt or conspiracy to commit a crime “are crimes of the same grade and degree as the most serious offense which is attempted or is an object of the conspiracy, except that an attempt or conspiracy to commit a class A felony is a class B felony” ([CGC § 53a-51](#)). Thus, if someone is convicted of attempt or conspiracy to commit a crime that carries a mandatory minimum sentence other than a class A felony, the offender would be subject to that mandatory minimum sentence (see *State v. Moran*, 264 Conn. 593 (2003)).

It also appears that someone who is an accomplice in committing a crime that is punishable by a mandatory minimum sentence would be subject to that mandatory minimum. By law, someone is criminally liable for the acts of another if he or she acts with the mental state required to commit a crime and solicits, requests, commands, or intentionally aids another to engage in criminal conduct. These offenders can be prosecuted and punished as if they were the principal offenders ([CGS § 53a-8](#)).

Table 1: Crimes with Mandatory Minimum Sentences

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Class A Felonies	Murder (53a-54a)	25 years	60 years
	Murder with special circumstances (only adults can be convicted of this crime) (53a-54b)	Life imprisonment without possibility of release	Same
	Felony murder (53a-54c)	25 years	60 years
	Assault of pregnant woman resulting in termination of pregnancy (53a-59c)	10 years	25 years
	Aggravated sexual assault of a minor (53a-70c) (PA 17-216 made a clarifying change to this statute)	<ul style="list-style-type: none"> • 1st offense: 25 years • Subsequent offense: 50 years 	50 years
	Kidnapping 1 st degree (53a-92)	10 years (+)	25 years
	Kidnapping 1 st degree with a firearm (53a-92a)	10 years (+)	25 years
	Home invasion (53a-100aa)	10 years (+)	25 years
	Employing a minor in an obscene performance (53a-196a)	10 years	25 years
Class A or B Felonies (Depending on Circumstances)	Sexual assault 1 st degree (53a-70)	Two, five, or 10 years depending on the conduct and victim's age (* ^ +)	20 or 25 years depending on the conduct and victim's age
	Aggravated sexual assault 1 st degree (53a-70a)	Five, 10, or 20 years depending on the conduct and victim's age (^ +)	20 or 25 years depending on the conduct and victim's age

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Class B Felonies	Transferring a handgun to a prohibited person or violating transfer procedures, knowing the transferred weapon is stolen or has an altered identification mark (29-33(i))	Three years	20 years
	Straw man gun purchase violations when offender had felony conviction in past five years (29-37(c))	Three years	20 years
	Injury or risk of injury to a minor (involving contact with intimate parts of a minor under age 13) (53-21)	Five years	20 years
	Trafficking in firearms (53-202aa)	Three years	20 years
	Manslaughter 1 st degree with a firearm (53a-55a)	Five years (+)	40 years
	Assault 1 st degree (53a-59)	<ul style="list-style-type: none"> • Five years if caused serious injury using a deadly weapon or dangerous instrument (+) • 10 years if the victim is under age 10 or a witness (+) 	20 years
	Assault 1 st degree of elderly, blind, disabled, or pregnant person or person with intellectual disability (53a-59a)	Five years (+)	20 years
	Sexual assault in a spousal or cohabiting relationship (53a-70b)	Two years	20 years
	Promoting prostitution 1 st degree (victim under age 18) (53a-86)	Nine months	20 years

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Class B Felonies (continued)	Enticing a minor (when victim under age 13) (53a-90a)	<ul style="list-style-type: none"> • 1st offense: five years • Subsequent offense: 10 years 	20 years
	Kidnapping 2 nd degree (53a-94)	Three years (+)	20 years
	Kidnapping 2 nd degree with a firearm (53a-94a)	Three years (+)	20 years
	Burglary 1 st degree (when armed with explosive, deadly weapon, or dangerous instrument) (53a-101)	Five years (+)	20 years
	Robbery 1 st degree (when armed with deadly weapon) (53a-134)	Five years (+)	20 years
	Importing child pornography (53a-196c)	Five years	20 years
	Possessing child pornography 1 st degree (53a-196d)	Five years	20 years
	Computer crime in furtherance of terrorism (when directed toward public safety agency) (53a-301)	Five years	20 years
Class B or C Felonies (Depending on Circumstances)	Sexual assault 2 nd degree (53a-71)	Nine months	10 or 20 years, depending on the age of the victim
	Sexual assault 3 rd degree with a firearm (53a-72b)	Two years (^ +) (Sentence must include 10-year combined period of imprisonment, including mandatory minimum, and special parole)	10 or 20 years, depending on the age of the victim
Class C Felonies	Increasing speed to elude police after signaled to stop (resulting in death or serious physical injury) (14-223(b))	Subsequent offense: One year	10 years

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Class C Felonies (continued)	Transferring a handgun to a prohibited person or violating transfer procedures (except when a class B felony, see above) (29-33(i))	Two years	10 years
	Making a false statement related to a handgun transfer or transferring handgun illegally to someone under age 21 (29-34)	Two years	10 years
	Altering firearm identification mark, number, or name (29-36)	Two years	10 years
	Buying a firearm intending to transfer it to an ineligible person (straw man transactions) (29-37j(a))	Two years	10 years
	Ineligible person soliciting or using a straw man to obtain a firearm and actually obtaining one (29-37j(b))	Two years	10 years
	Selling or transporting assault weapon (53-202b)	<ul style="list-style-type: none"> • Two years • Six years if sale is to a minor 	10 years Six-year mandatory minimum for sale to minor is in addition and consecutive to imprisonment for the underlying crime
	Manslaughter 2 nd degree with a firearm (53a-56a)	One year (+)	10 years
	Burglary 2 nd degree with a firearm (53a-102a)	One year (+)	10 years

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Class C Felonies (continued)	Hindering prosecution 1 st degree (53a-165aa)	Five years	10 years
	Possessing child pornography 2 nd degree (53a-196e)	Two years	10 years
	Stealing a firearm (53a-212)	Two years	10 years
	Criminal possession of a firearm, ammunition, or an electronic defense weapon (53a-217)	Two years	10 years
	Criminal possession of a pistol or revolver (53a-217c)	Two years	10 years
	Contaminating public water or food supply for terrorist purposes (53a-303)	Five years	10 years
Class D Felonies	Refusing to stop boat when ordered by officer in law enforcement vessel and thus (1) interferes with or endangers a boat, people, or property or (2) increases or maintains speed to escape or elude (causing death or serious physical injury) (15-154(c))	Subsequent offense: One year	Five years
	Carry handgun without a permit (29-37(b))	One year if no mitigating circumstances	Five years

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Class D Felonies (continued)	Ineligible person soliciting, employing, or assisting a straw man to obtain a firearm (29-37j(b))	One year	Five years
	Possession of an assault weapon (except for certain first-time violations) (53-202c)	One year	Five years
	Assault 2 nd degree with a firearm (53a-60a)	One year	Five years
	Assault or larceny of elderly, blind, disabled, or pregnant person or person with intellectual disability 2 nd degree (53a-60b)	Two years	Five years
	Assault of elderly, blind, disabled, or pregnant person or person with intellectual disability 2 nd degree with a firearm (53a-60c)	Three years	Five years
	Burglary 3 rd degree with a firearm (53a-103a)	One year	Five years
	Possessing child pornography 3 rd degree (53a-196f)	One year	Five years
	Criminal use of a firearm or electronic defense weapon (53a-216)	Five years	Five years

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Class A Misdemeanors	Assault 3 rd degree (with criminal negligence, causing physical injury with deadly weapon, dangerous instrument, or electronic defense weapon) (53a-61)	One year	One year
	Assault of elderly, blind, disabled, or pregnant person or person with intellectual disability 3 rd degree (53a-61a)	One year	One year
Class A or C Misdemeanor (Depending on Circumstances)	Use, possession, or delivery of drug paraphernalia near school by non-student (unless it relates to less than 0.5 oz. of marijuana) (21a-267(c))	One year Judges can depart from this sentence under certain circumstances (# %)	In addition and consecutive to any imprisonment for the underlying drug crime
Unclassified Crimes	Operating a motor vehicle without a license or with a suspended or revoked license (two or more prior offenses) (14-36(i)) (PA 17-79, 17-202, and 17-237) made technical or conforming changes to this law)	90 days	One year
	Operating a motor vehicle with a revoked, suspended, or refused license or registration (after two prior violations of this or operating in violation of license conditions) (14-215(b)(2))	90 days (%)	One year

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Unclassified Crimes (continued)	Driving during license suspension for driving under the influence (DUI) or DUI related offenses, or for violating ignition interlock restrictions or court orders resulting from such offenses (14-215(c))	<ul style="list-style-type: none"> • 30 days unless mitigating circumstances (%) • If offense is after 2nd suspension for DUI related offenses: 120 days unless mitigating circumstances (%) • If offense is after 3rd or subsequent suspension for DUI related offenses: one year unless mitigating circumstances (%) 	<ul style="list-style-type: none"> • One year • If after 2nd suspension: two years • If after 3rd or subsequent suspension: three years
	DUI (includes snowmobiles and all-terrain vehicles) (14-227a(g)) (The same penalties also apply to the specific crime of DUI by drivers under age 21; see 14-227g)	<ul style="list-style-type: none"> • 1st offense: 48 hours if not given probation with community service (%) • 2nd offense: 120 days (%) • Subsequent offenses: one year (%) 	<ul style="list-style-type: none"> • 1st offense: six months • 2nd offense: two years • Subsequent offenses: three years
	DUI with a child passenger (includes snowmobiles and all-terrain vehicles) (14-227m)	<ul style="list-style-type: none"> • 1st offense: 30 days (%) • 2nd offense: 180 days • Subsequent offenses: two years 	<ul style="list-style-type: none"> • 1st offense: one year • 2nd offense: three years • Subsequent offenses: five years
	DUI while driving a school bus, student transportation vehicle, or other vehicle specially designated for carrying children (14-227n)	120 days (or 30 days if there were no child passengers)	10 years

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Unclassified Crimes (continued)	Boating under the influence (15-133(h))	<ul style="list-style-type: none"> 1st offense: 48 hours if not given probation with community service 2nd offense: 120 days Subsequent offenses: one year 	<ul style="list-style-type: none"> 1st offense: six months 2nd offense: two years Subsequent offenses: three years
	Operating boat while certificate or right to operate is suspended or revoked for drunken boating or refusing to stop (15-156(d)(1))	30 days unless mitigating circumstances	One year
	Operating boat while certificate or right to operate is suspended or revoked for reckless boating 1 st or 2 nd degree while under the influence or manslaughter with a vessel 2 nd degree (15-156(d)(2))	30 days unless mitigating circumstances	One year
	Manufacture or sale of certain quantities of heroin, methadone, cocaine, crack, or LSD by non-dependent person (21a-278(a)) (PA 17-17 made technical changes)	Five years but the court may suspend it if the person (1) was under age 18 at the time or (2) had significantly impaired mental capacity Judges can also depart from this sentence under certain other circumstances (#)	60 years
	Manufacture or sale of narcotic, hallucinogen, amphetamine, or at least 1 kg marijuana by non-dependent person (21a-278(b)) (PA 17-17 made technical changes)	<ul style="list-style-type: none"> 1st offense: five years Subsequent offense: 10 years The court may suspend it if the person (1) was under age 18 at the time or (2) had significantly impaired mental capacity Judges can also depart from this sentence under certain other circumstances (#)	<ul style="list-style-type: none"> 1st offense: 20 years Subsequent offense: 25 years

Table 1 (continued)

Classification	Crime (CGS §)	Mandatory Minimum Sentence	Maximum Prison Sentence
Unclassified Crimes (continued)	Sale of drugs to minor by non-dependent person who is at least two years older (21a-278a(a))	Two years	In addition and consecutive to any imprisonment for the underlying drug crime
	Sale of drugs near school, public housing project, or day care center (21a-278a(b))	Three years Judges can depart from this sentence under certain circumstances (#)	In addition and consecutive to any imprisonment for the underlying drug crime
	Using person under 18 to sell drugs (21a-278a(c))	Three years	In addition and consecutive to any imprisonment for the underlying drug crime
	Commit class A, B, or C felony with assault weapon (53-202j)	Eight years	In addition and consecutive to any imprisonment for the underlying felony
	Commit class A, B, or C felony with firearm (other than an assault weapon) (53-202k)	Five years	In addition and consecutive to any imprisonment for the underlying felony
	Carjacking (53a-136a)	Three years	In addition and consecutive to any imprisonment for the underlying robbery
	Acts of terrorism (when commit a class B felony) (53a-300)	10 years (this law authorizes the court to impose the penalty for the next most serious degree of felony; if the felony is a class B felony, this law would impose the penalty for a class A felony which would carry a 10-year mandatory minimum sentence)	25 years

+ These crimes are subject to the persistent dangerous felony offender law which, depending on the offender's record, could double or triple the mandatory minimum sentence the court imposes.

* For this crime, the law requires the sentence to include (1) a term of imprisonment and special parole that totals at least 10 years or (2) a 10-year or longer term of imprisonment, any non-mandatory portion of which may be suspended.

^ An offender convicted of this crime could, based on his or her record, be prosecuted as a persistent dangerous sexual offender, which requires a combined prison sentence and period of special parole that constitutes a life sentence (statutorily defined as 60 years) instead of the statutory sentence for the crime ([CGS § 53a-40](#)).

Judges may impose less than the mandatory minimum sentence if no one was hurt during the crime and the defendant (1) did not use or attempt or threaten to use physical force; (2) was unarmed; and (3) did not threaten to use or suggest that he or she had a firearm, other deadly weapon, or other instrument that could cause death or serious injury. Defendants must show good cause and can invoke these provisions only once ([CGS § 21a-283a](#)).

% An offender convicted of these crimes could be released to home confinement by the correction commissioner after a risk and needs assessment ([CGS § 18-100h](#)).

No Mandatory Minimum Sentence for 1st Degree Arson

By statute, 1st degree arson is a class A felony, and 10 years of a sentence for a class A felony cannot be suspended. In *State v. O'Neill*, the Connecticut Supreme Court ruled that it was unconstitutional to subject a person convicted of 1st degree arson to a 10-year mandatory minimum while allowing the suspension of a sentence for the unclassified felony of arson murder, a more serious crime (200 Conn. 268 (1986)).

Persistent Dangerous Felony Offenders

Of the crimes that carry a mandatory minimum sentence, we identified 15 that can result in a person being punished as a persistent dangerous felony offender. By law, someone can be prosecuted as a persistent dangerous felony offender if he or she stands convicted of certain serious crimes and has prior convictions of certain serious crimes ([CGS § 53a-40](#)). This law enhances penalties for these offenders, including doubling or tripling the mandatory minimum sentence that would otherwise apply.

For those with one of the required prior convictions, the penalty is a range between twice the minimum penalty for the crime the person stands convicted of, including twice any mandatory minimum sentence that applies, to a maximum of 40 years or twice the maximum penalty for the crime the person stands convicted of, whichever is longer. (This is often referred to as “two strikes.”)

For those with two of the required prior convictions, the penalty is a range between three times the minimum penalty for the crime the person stands convicted of, including three times any mandatory minimum sentence that applies, and life in prison (statutorily defined as 60 years). (This is often referred to as “three strikes.”) If the offender has two such prior convictions and the prosecutor decides not to seek the sentence enhancement, the prosecutor must state for the record the specific reasons for not doing so.

The law contains a list of crimes that someone can stand convicted of to be eligible for sentencing as a persistent dangerous felony offender. Some of the crimes carry a mandatory minimum prison sentence. Table 2 shows such crimes and how that mandatory minimum sentence would be doubled or tripled for a persistent dangerous felony offender.

Table 2: Penalties Under the Persistent Dangerous Felony Offender Statute for Crimes With Mandatory Minimum Sentences

<i>Current Conviction</i>	<i>Penalty With One Prior Conviction</i>	<i>Penalty With Two Prior Convictions</i>
Manslaughter 1 st degree with a firearm (53a-55a)	10 to 80 years; 10 year mandatory minimum	15 to 60 years; 15 year mandatory minimum
Manslaughter 2 nd degree with a firearm (53a-56a)	2 to 40 years; 2 year mandatory minimum	3 to 60 years; 3 year mandatory minimum
Assault 1 st degree (53a-59)	2 to 40 years; 10 year mandatory minimum if deadly weapon or dangerous instrument used to cause serious physical injury or 20 year mandatory minimum if victim under age 10 or a witness	3 to 60 years; 15 year mandatory minimum if deadly weapon or dangerous instrument used to cause serious physical injury or 30 year mandatory minimum if victim under age 10 or a witness
Assault of elderly, blind, disabled, or pregnant person or person with intellectual disability 1 st degree (53a-59a)	2 to 40 years; 10 year mandatory minimum	3 to 60 years; 15 year mandatory minimum
Sexual assault 1 st degree (53a-70)	Depending on the circumstances and age of the victim: 2 to 40 years or 20 to 50 years; mandatory minimum of 4, 10, or 20 years	Depending on the circumstances and age of the victim: 3 to 60 years or 30 to 60 years; mandatory minimum of 6, 15, or 30 years
Aggravated sexual assault 1 st degree (53a-70a)	Depending on the circumstances and age of the victim: 20 to 40 years or 20 to 50 years; mandatory minimum of 10, 20, or 40 years	30 to 60 years; depending on the circumstances and age of the victim, mandatory minimum of 15, 30, or 60 years
Sexual assault 3 rd degree with a firearm (53a-72b)	2 to 40 years; 4 year mandatory minimum	3 to 60 years; 6 year mandatory minimum
Kidnapping 1 st degree or 1 st degree with firearm (53a-92) and 53a-92a)	20 to 50 years; 20 year mandatory minimum	30 to 60 years; 30 year mandatory minimum
Kidnapping 2 nd degree or 2 nd degree with a firearm (53a-94) and 53a-94a)	2 to 40 years; 6 year mandatory minimum	3 to 60 years; 9 year mandatory minimum
Home invasion (53a-100aa)	20 to 50 years; 20 year mandatory minimum	30 to 60 years; 30 year mandatory minimum
Burglary 1 st degree (53a-101)	2 to 40 years; 10 year mandatory minimum if armed with explosives, deadly weapon, or dangerous instrument	3 to 60 years; 15 year mandatory minimum if armed with explosives, deadly weapon, or dangerous instrument
Burglary 2 nd degree with a firearm (53a-102a)	2 to 40 years; 2 year mandatory minimum	3 to 60 years; 3 year mandatory minimum
Robbery 1 st degree (53a-134)	2 to 40 years; 10 year mandatory minimum if armed with a deadly weapon	3 to 60 years; 15 year mandatory minimum if armed with a deadly weapon

The persistent dangerous felony offender statute uses the terms “manslaughter,” “arson,” “kidnapping,” and “assault in the first degree.” These do not refer to specific criminal statutes but they appear to apply to all of the crimes listed in the table above. For example, “manslaughter” appears to include the crimes of 1st degree manslaughter, 1st degree manslaughter with a firearm, 2nd degree manslaughter, 2nd degree manslaughter with a firearm, and 2nd degree manslaughter with a motor vehicle (some of which have mandatory minimum sentences as set forth above).

For 1st degree sexual assault, in addition to a mandatory minimum prison sentence, the sentence must include (1) a term of imprisonment and special parole that totals at least 10 years or (2) a 10-year or longer term of imprisonment, any non-mandatory portion of which may be suspended. Similarly, persistent dangerous sexual offenders are subject to a mandatory combined prison sentence and period of special parole that constitutes a life sentence (statutorily defined as 60 years) instead of the statutory sentence for the underlying crime ([CGS § 53a-40\(i\)](#)). A persistent dangerous sexual offender is a person awaiting sentencing for 1st or 3rd degree sexual assault, aggravated 1st degree sexual assault, or 3rd degree sexual assault with a firearm who has previously been sentenced to at least one year in prison for one of these crimes or certain other crimes ([CGS § 53a-40\(b\)](#)).

Other persistent offender provisions allow the court to impose a harsher sentence than otherwise authorized for the crime, including authorizing a three year mandatory minimum for a persistent felony offender ([CGS § 53a-40\(o\)](#)), but these provisions generally do not require the court to impose the enhanced penalties.

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