

---

**By: Delegates Poole, Hecht, Harkins, and Grosfeld**

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence - First Degree Murder - Civil Protective Orders**

3 FOR the purpose of providing that murder that is committed by a person while the  
4 person was subject to certain civil protective orders issued in a domestic violence  
5 case against another who had been granted relief in the order shall be murder in the  
6 first degree; adding as an aggravating circumstance in certain sentencing  
7 proceedings for first degree murder that the victim had been granted relief under  
8 and the defendant was subject to certain orders issued in a domestic violence case;  
9 and generally relating to murder and domestic violence.

10 BY adding to

11 Article 27 - Crimes and Punishments  
12 Section 410A  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article 27 - Crimes and Punishments  
17 Section 413(d)  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 27 - Crimes and Punishments**

23 410A.

24 MURDER COMMITTED BY A PERSON WHILE THE PERSON WAS SUBJECT TO A  
25 PROPERLY SERVED TEMPORARY EX PARTE ORDER UNDER § 4-505 OF THE FAMILY  
26 LAW ARTICLE OR WAS SUBJECT TO A CURRENT PROTECTIVE ORDER UNDER § 4-506  
27 OF THE FAMILY LAW ARTICLE AGAINST ANOTHER WHO HAD BEEN GRANTED  
28 RELIEF IN THE ORDER SHALL BE MURDER IN THE FIRST DEGREE.

15 BY repealing and reenacting, with amendments,

2

1 413.

2 (d) In determining the sentence, the court or jury, as the case may be, shall first  
3 consider whether, beyond a reasonable doubt, any of the following aggravating  
4 circumstances exist:

5 (1) The victim was a law enforcement officer who was murdered while in the  
6 performance of his duties;

7 (2) The defendant committed the murder at a time when he was confined in  
8 any correctional institution;

9 (3) The defendant committed the murder in furtherance of an escape or an  
10 attempt to escape from or evade the lawful custody, arrest, or detention of or by an officer  
11 or guard of a correctional institution or by a law enforcement officer;

12 (4) The victim was taken or attempted to be taken in the course of a  
13 kidnapping or abduction or an attempt to kidnap or abduct;

14 (5) The victim was a child abducted in violation of § 2 of this article;

15 (6) The defendant committed the murder pursuant to an agreement or  
16 contract for remuneration or the promise of remuneration to commit the murder;

17 (7) The defendant engaged or employed another person to commit the  
18 murder and the murder was committed pursuant to an agreement or contract for  
19 remuneration or the promise of remuneration;

20 (8) At the time of the murder, the defendant was under sentence of death or  
21 imprisonment for life;

22 (9) The defendant committed more than one offense of murder in the first  
23 degree arising out of the same incident; [or]

24 (10) The defendant committed the murder while committing or attempting to  
25 commit a carjacking, armed carjacking, robbery, arson in the first degree, rape or sexual  
26 offense in the first degree; OR

27 (11) THE VICTIM HAD BEEN GRANTED RELIEF UNDER A TEMPORARY EX  
28 PARTE ORDER UNDER § 4-505 OF THE FAMILY LAW ARTICLE OR A PROTECTIVE  
29 ORDER UNDER § 4-506 OF THE FAMILY LAW ARTICLE AND THE DEFENDANT  
30 COMMITTED THE MURDER WHILE THE DEFENDANT WAS SUBJECT TO THE  
31 PROPERLY SERVED TEMPORARY EX PARTE ORDER UNDER § 4-505 OF THE FAMILY  
32 LAW ARTICLE OR THE CURRENT PROTECTIVE ORDER UNDER § 4-506 OF THE FAMILY  
33 LAW ARTICLE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 1997.