

HOUSE BILL 23

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HB 189/98 - JUD

1999 Regular Session
9r0293

(PRE-FILED)

By: **Delegate Menes**
Requested: August 27, 1998
Introduced and read first time: January 13, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 16, 1999

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Denial of Custody or Visitation - First Degree Murder or**
3 **Voluntary Manslaughter**

4 FOR the purpose of prohibiting a court, unless good cause is shown by clear and
5 convincing evidence, from awarding custody of a child or visitation with a child
6 to a parent who has been found guilty of first degree murder, ~~second degree~~
7 ~~murder, or voluntary manslaughter~~ of certain individuals except under certain
8 circumstances; authorizing a court to approve of a certain supervised visitation
9 arrangement under certain circumstances; providing for the application of this
10 Act; and generally relating to child custody and visitation.

11 BY adding to
12 Article - Family Law
13 Section 9-101.2
14 Annotated Code of Maryland
15 (1991 Replacement Volume and 1998 Supplement)

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

18 **Article - Family Law**

19 9-101.2.

20 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, UNLESS
21 GOOD CAUSE FOR THE AWARD OF CUSTODY OR VISITATION IS SHOWN BY CLEAR AND

1 CONVINCING EVIDENCE, A COURT MAY NOT AWARD CUSTODY OF A CHILD OR
2 VISITATION WITH A CHILD TO A PARENT WHO HAS BEEN FOUND GUILTY BY A COURT:

3 (1) OF THIS STATE OF FIRST DEGREE MURDER, ~~SECOND DEGREE~~
4 ~~MURDER, OR VOLUNTARY MANSLAUGHTER~~ OF THE OTHER PARENT OF THE CHILD,
5 ANOTHER CHILD OF THE PARENT, OR ANY INDIVIDUAL WHO RESIDES IN THE
6 HOUSEHOLD OF THE PARENT; OR

7 (2) OF ANY STATE OR OF THE UNITED STATES OF A CRIME THAT, IF
8 COMMITTED IN THIS STATE, WOULD BE FIRST DEGREE MURDER, ~~SECOND DEGREE~~
9 ~~MURDER, OR VOLUNTARY MANSLAUGHTER~~ OF THE OTHER PARENT OF THE CHILD,
10 ANOTHER CHILD OF THE PARENT, OR ANY INDIVIDUAL WHO RESIDES IN THE
11 HOUSEHOLD OF THE PARENT.

12 (B) A COURT MAY APPROVE ~~OF~~ A SUPERVISED VISITATION ARRANGEMENT
13 THAT ASSURES THE SAFETY AND THE PSYCHOLOGICAL AND EMOTIONAL
14 WELL-BEING OF THE CHILD IF:

15 (1) ~~(1)~~ THE COURT FINDS THAT THE CHILD IS OF SUFFICIENT AGE
16 AND CAPACITY TO FORM A RATIONAL JUDGMENT; ~~AND~~

17 ~~(1)~~ (2) THE CHILD CONSENTS TO THE AWARD OF SUPERVISED
18 VISITATION; AND

19 ~~(2)~~ (3) SUPERVISED VISITATION IS IN THE BEST INTEREST OF THE
20 CHILD.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
22 to offenses committed on or after the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1999.