
By: **Delegates Shank, Bartlett, Kelly, McKee, Myers, and Weldon**
Introduced and read first time: February 7, 2005
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Victims of Crime - Burglary and Crimes of Violence - Civil Immunity**

3 FOR the purpose of providing that a person may not be liable for damages for a
4 personal injury or death of an individual who enters the person's dwelling or
5 place of business with the intent to commit certain crimes under certain
6 circumstances; defining a certain term; providing for the application of this Act;
7 and generally relating to providing certain immunity from civil liability to a
8 victim of certain crimes under certain circumstances.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 5-808
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Criminal Law
16 Section 6-202 through 6-204 and 14-101(a)
17 Annotated Code of Maryland
18 (2002 Volume and 2004 Supplement)

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

21 **Article - Courts and Judicial Proceedings**

22 5-808.

23 (A) IN THIS SECTION, "PERSON" DOES NOT INCLUDE A GOVERNMENTAL
24 ENTITY.

25 (B) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, A
26 PERSON IS NOT LIABLE FOR DAMAGES FOR A PERSONAL INJURY OR DEATH OF AN
27 INDIVIDUAL WHO ENTERS THE PERSON'S DWELLING OR PLACE OF BUSINESS WITH
28 THE INTENT TO COMMIT:

1 (1) A BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE UNDER §
2 6-202, § 6-203, OR § 6-204 OF THE CRIMINAL LAW ARTICLE; OR

3 (2) A CRIME OF VIOLENCE UNDER § 14-101 OF THE CRIMINAL LAW
4 ARTICLE.

5 (C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A PERSON WHO
6 ACTS WITH MALICE OR GROSS NEGLIGENCE.

7 (D) THIS SECTION DOES NOT LIMIT OR ABROGATE ANY IMMUNITY FROM CIVIL
8 LIABILITY OR DEFENSE AVAILABLE TO A PERSON UNDER ANY OTHER PROVISION OF
9 THE CODE OR AT COMMON LAW.

10 **Article - Criminal Law**

11 6-202.

12 (a) A person may not break and enter the dwelling of another with the intent
13 to commit theft or a crime of violence.

14 (b) A person who violates this section is guilty of the felony of burglary in the
15 first degree and on conviction is subject to imprisonment not exceeding 20 years.

16 6-203.

17 (a) A person may not break and enter the storehouse of another with the
18 intent to commit theft, a crime of violence, or arson in the second degree.

19 (b) A person may not break and enter the storehouse of another with the
20 intent to steal, take, or carry away a firearm.

21 (c) A person who violates this section is guilty of the felony of burglary in the
22 second degree and on conviction is subject to:

23 (1) for a violation of subsection (a) of this section, imprisonment not
24 exceeding 15 years; and

25 (2) for a violation of subsection (b) of this section, imprisonment not
26 exceeding 20 years or a fine not exceeding \$10,000 or both.

27 6-204.

28 (a) A person may not break and enter the dwelling of another with the intent
29 to commit a crime.

30 (b) A person who violates this section is guilty of the felony of burglary in the
31 third degree and on conviction is subject to imprisonment not exceeding 10 years.

32 14-101.

33 (a) In this section, "crime of violence" means:

- 1 (1) abduction;
- 2 (2) arson in the first degree;
- 3 (3) kidnapping;
- 4 (4) manslaughter, except involuntary manslaughter;
- 5 (5) mayhem;
- 6 (6) maiming, as previously proscribed under former Article 27, §§ 385
7 and 386 of the Code;
- 8 (7) murder;
- 9 (8) rape;
- 10 (9) robbery under § 3-402 or § 3-403 of this article;
- 11 (10) carjacking;
- 12 (11) armed carjacking;
- 13 (12) sexual offense in the first degree;
- 14 (13) sexual offense in the second degree;
- 15 (14) use of a handgun in the commission of a felony or other crime of
16 violence;
- 17 (15) an attempt to commit any of the crimes described in items (1)
18 through (14) of this subsection;
- 19 (16) assault in the first degree;
- 20 (17) assault with intent to murder;
- 21 (18) assault with intent to rape;
- 22 (19) assault with intent to rob;
- 23 (20) assault with intent to commit a sexual offense in the first degree; and
- 24 (21) assault with intent to commit a sexual offense in the second degree.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
26 construed to apply only prospectively and may not be applied or interpreted to have
27 any effect on or application to any case in which the cause of action arises before the
28 effective date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2005.

