

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 478  
Judiciary

(Delegate Simmons)

Judicial Proceedings

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**Crimes - Committing a Crime of Violence in the Presence of a Minor - Penalties**

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This bill prohibits a person from committing a crime of violence when the person knows or reasonably should know that a minor, who is at least two years old, is present in a residence within sight or hearing of the crime of violence. A violator is subject to an enhanced penalty of imprisonment for up to five years in addition to any other sentence imposed for the crime of violence. An enhanced penalty imposed under the bill must be separate from and consecutive to any sentence for the crime of violence.

A court may impose this enhanced penalty if (1) the State's Attorney notifies the defendant in writing, at least 30 days before trial in the circuit court and 15 days before trial in the District Court, of the State's intention to seek the enhanced penalty and (2) the elements of the offense have been proven beyond a reasonable doubt. If the defendant is charged by indictment or criminal information, the State may include the required notice in the indictment or information.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's penalty provisions.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** An offense classified as a crime of violence is subject to a criminal penalty, regardless of whether or not anyone witnessed the crime. Statute does not impose enhanced penalties based on whether a particular person witnessed a crime.

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### Additional Information

**Prior Introductions:** Similar bills have been introduced in past sessions. HB 664 of 2012 passed the House, as amended and received a favorable with amendments report from the Senate Judicial Proceedings Committee. No further action was taken on that bill after it was amended by the Senate Judicial Proceedings Committee. HB 663 of 2011 passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 650 of 2010 passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. HB 258 of 2009 passed the House as amended and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. Similar legislation was also introduced in the 2006, 2007, and 2008 sessions.

**Cross File:** SB 861 (Senator Zirkin) – Judicial Proceedings.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2013  
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