

SENATE BILL 683

E1
SB 861/13 – JPR

4r2842
CF HB 185

By: **Senator Zirkin**
Introduced and read first time: January 31, 2014
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Committing a Crime of Violence in the Presence of a Minor –**
3 **Penalties**

4 FOR the purpose of prohibiting a person from committing a certain crime of violence
5 when the person knows or reasonably should know that a minor of a certain age
6 is present in a residence; establishing certain circumstances under which a
7 minor is present; establishing a certain enhanced penalty for a violation of this
8 Act; authorizing a court to impose an enhanced penalty if the State’s Attorney
9 provides certain notice to the defendant in a certain manner and if certain
10 elements have been proven beyond a reasonable doubt; authorizing the State to
11 include a certain notice in a certain indictment or information; providing that a
12 penalty imposed under this Act shall be separate from and consecutive to a
13 sentence for any crime based on the act establishing the violation of this Act;
14 and generally relating to the commission of crimes of violence in the presence of
15 minors.

16 BY repealing and reenacting, without amendments,
17 Article – Courts and Judicial Proceedings
18 Section 9–106(a)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2013 Supplement)

21 BY adding to
22 Article – Criminal Law
23 Section 3–601.1
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2013 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article – Public Safety
28 Section 5–101(a) and (c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2013 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 9–106.

7 (a) The spouse of a person on trial for a crime may not be compelled to testify
8 as an adverse witness unless the charge involves:

9 (1) The abuse of a child under 18; or

10 (2) Assault in any degree in which the spouse is a victim if:

11 (i) The person on trial was previously charged with assault in
12 any degree or assault and battery of the spouse;

13 (ii) The spouse was sworn to testify at the previous trial; and

14 (iii) The spouse refused to testify at the previous trial on the
15 basis of the provisions of this section.

16 **Article – Criminal Law**

17 **3–601.1.**

18 (A) (1) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS
19 DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE WHEN THE PERSON
20 KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR WHO IS AT LEAST 2
21 YEARS OLD IS PRESENT IN A RESIDENCE.

22 (2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION,
23 A MINOR IS PRESENT IF THE MINOR IS WITHIN SIGHT OR HEARING OF THE
24 CRIME OF VIOLENCE.

25 (B) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO
26 IMPRISONMENT NOT EXCEEDING 5 YEARS IN ADDITION TO ANY OTHER
27 SENTENCE IMPOSED FOR THE CRIME OF VIOLENCE.

28 (C) A COURT MAY IMPOSE AN ENHANCED PENALTY UNDER SUBSECTION
29 (B) OF THIS SECTION IF:

SENATE BILL 683

- 1 (11) murder in the first or second degree;
- 2 (12) rape in the first or second degree;
- 3 (13) robbery;
- 4 (14) robbery with a dangerous weapon;
- 5 (15) sexual offense in the first, second, or third degree;
- 6 (16) an attempt to commit any of the crimes listed in items (1) through
7 (15) of this subsection; or
- 8 (17) assault with intent to commit any of the crimes listed in items (1)
9 through (15) of this subsection or a crime punishable by imprisonment for more than 1
10 year.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2014.