

Department of Legislative Services  
Maryland General Assembly  
2014 Session

**FISCAL AND POLICY NOTE**

Senate Bill 683

(Senator Zirkin)

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, regardless of age, witnessed a crime.

“Crime of violence” means (1) abduction; (2) arson in the first degree; (3) assault in the first or second degree; (4) burglary in the first, second, or third degree; (5) carjacking and armed carjacking; (6) escape in the first degree; (7) kidnapping; (8) voluntary manslaughter; (9) maiming; (10) mayhem; (11) murder in the first or second degree; (12) rape in the first or second degree; (13) robbery; (14) robbery with a dangerous weapon; (15) sexual offense in the first, second, or third degree; (16) an attempt to commit any of these crimes; or (17) assault with the intent to commit any of these crimes or a crime punishable by imprisonment for more than one year.

**Background:** According to the National Network to End Domestic Violence, on average, three women are killed by a current or former intimate partner each day in the United States and approximately 15.5 million children are exposed to domestic violence every year.

According to the *2012 Uniform Crime Report*, 17,615 domestic violence crimes were reported in Maryland, a 3% decrease compared to the calendar 2011 total of 18,209. Assault was by far the most frequently reported crime, with 16,269 incidents in calendar 2012. Of reported assaults, simple assaults comprised 13,384 incidents. Aggravated assaults totaled 2,881, or 18%, of the reported domestic violence assaults for the same period.

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## Additional Information

**Prior Introductions:** Similar bills have been introduced in past sessions. HB 478 of 2013 passed the House as amended and received a favorable with amendments report from the Senate Judicial Proceedings Committee. No further action was taken. Its cross file, SB 861, passed the Senate as amended and received a hearing in the House Judiciary Committee. No further action was taken. 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. 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:** HB 185 (Delegates Simmons and Kramer) - Judiciary.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, National Network to End Domestic Violence, Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2014  
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