Article - Criminal Law

[Previous][Next]

§3–601.1.

(a) (1) A person may not commit a crime of violence as defined in § 5–101 of the Public Safety Article when the person knows or reasonably should know that a minor who is at least 2 years old is present in a residence.

(2) For the purposes of paragraph (1) of this subsection, a minor is present if the minor is within sight or hearing of the crime of violence.

(b) A person who violates this section is subject to imprisonment not exceeding 5 years in addition to any other sentence imposed for the crime of violence.

(c) A court may impose an enhanced penalty under subsection (b) of this section if:

(1) at least 30 days before trial in the circuit court, and 15 days before trial in the District Court, the State's Attorney notifies the defendant in writing of the State's intention to seek the enhanced penalty; and

(2) the elements of subsection (a)(1) of this section have been proven beyond a reasonable doubt.

(d) If the defendant is charged by indictment or criminal information, the State may include the notice required under subsection (c)(1) of this section in the indictment or information.

(e) An enhanced penalty imposed under this section shall be separate from and consecutive to a sentence for any crime based on the act establishing the violation of this section.

[Previous][Next]