

# SENATE BILL 67

E2

(5lr0532)

## ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senator Lee**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Crime of Violence – Home Invasion**

3 FOR the purpose of classifying the offense of home invasion as a crime of violence under  
4 certain provisions of law; and generally relating to crimes of violence.

5 BY repealing and reenacting, with amendments,  
6 Article – Criminal Law  
7 Section ~~4–401(b) and 14–101(a)~~  
8 Annotated Code of Maryland  
9 (2012 Replacement Volume and 2014 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article – Public Safety  
12 Section ~~5–101(c)~~  
13 Annotated Code of Maryland

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



(2011 Replacement Volume and 2014 Supplement)

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

**Article – Criminal Law**

4–401.

(b) (1) “Crime of violence” means:

(i) murder in any degree;

(ii) manslaughter;

(iii) kidnapping;

(iv) rape in any degree;

(v) assault in the first degree;

(vi) robbery under § 3–402 or § 3–403 of this article;

(vii) burglary in any degree;

**(viii) HOME INVASION UNDER § 6–202 (B) OF THIS ARTICLE;**

**(IX)** escape in the first degree; or

~~[(ix)]~~**(X)** theft.

(2) “Crime of violence” includes an attempt to commit a crime listed in paragraph (1) of this subsection.

~~14–101.~~

~~(a) In this section, “crime of violence” means:~~

~~(1) abduction;~~

~~(2) arson in the first degree;~~

~~(3) kidnapping;~~

~~(4) manslaughter, except involuntary manslaughter;~~

- 1           ~~(5) mayhem;~~
- 2           ~~(6) maiming, as previously proscribed under former Article 27, §§ 385 and~~  
3 ~~386 of the Code;~~
- 4           ~~(7) murder;~~
- 5           ~~(8) rape;~~
- 6           ~~(9) robbery under § 3-402 or § 3-403 of this article;~~
- 7           ~~(10) carjacking;~~
- 8           ~~(11) armed carjacking;~~
- 9           ~~(12) sexual offense in the first degree;~~
- 10          ~~(13) sexual offense in the second degree;~~
- 11          ~~(14) use of a handgun in the commission of a felony or other crime of~~  
12 ~~violence;~~
- 13          ~~(15) child abuse in the first degree under § 3-601 of this article;~~
- 14          ~~(16) sexual abuse of a minor under § 3-602 of this article if:~~
- 15                 ~~(i) the victim is under the age of 13 years and the offender is an~~  
16 ~~adult at the time of the offense; and~~
- 17                 ~~(ii) the offense involved:~~
- 18                         ~~1. vaginal intercourse, as defined in § 3-301 of this article;~~
- 19                         ~~2. a sexual act, as defined in § 3-301 of this article;~~
- 20                         ~~3. an act in which a part of the offender's body penetrates,~~  
21 ~~however slightly, into the victim's genital opening or anus; or~~
- 22                         ~~4. the intentional touching, not through the clothing, of the~~  
23 ~~victim's or the offender's genital, anal, or other intimate area for sexual arousal,~~  
24 ~~gratification, or abuse;~~
- 25          ~~(17) an attempt to commit any of the crimes described in items (1) through~~  
26 ~~(16) of this subsection;~~
- 27          ~~(18) continuing course of conduct with a child under § 3-315 of this article;~~



1 (13) robbery;

2 (14) robbery with a dangerous weapon;

3 (15) sexual offense in the first, second, or third degree;

4 (16) HOME INVASION UNDER § 6-202(B) OF THE CRIMINAL LAW  
5 ARTICLE;

6 (17) an attempt to commit any of the crimes listed in items (1) through  
7 [(15)](16) of this subsection; or

8 [(17)] (18) assault with intent to commit any of the crimes listed in items  
9 (1) through [(15)] (16) of this subsection or a crime punishable by imprisonment for more  
10 than 1 year.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.