

SENATE BILL 67

E2

5lr0532

By: **Senator Lee**

Introduced and read first time: January 23, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

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
14 (2011 Replacement Volume and 2014 Supplement)

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

17 **Article – Criminal Law**

18 4–401.

19 (b) (1) “Crime of violence” means:
20 (i) murder in any degree;
21 (ii) manslaughter;
22 (iii) kidnapping;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iv) rape in any degree;
- 2 (v) assault in the first degree;
- 3 (vi) robbery under § 3–402 or § 3–403 of this article;
- 4 (vii) burglary in any degree;
- 5 (viii) **HOME INVASION UNDER § 6–202 (B) OF THIS ARTICLE;**
- 6 **(IX)** escape in the first degree; or
- 7 **[(ix)](X)** theft.

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

10 14–101.

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

- 12 (1) abduction;
- 13 (2) arson in the first degree;
- 14 (3) kidnapping;
- 15 (4) manslaughter, except involuntary manslaughter;
- 16 (5) mayhem;
- 17 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
18 386 of the Code;
- 19 (7) murder;
- 20 (8) rape;
- 21 (9) robbery under § 3–402 or § 3–403 of this article;
- 22 (10) carjacking;
- 23 (11) armed carjacking;
- 24 (12) sexual offense in the first degree;

- 1 (13) sexual offense in the second degree;
- 2 (14) use of a handgun in the commission of a felony or other crime of
3 violence;
- 4 (15) child abuse in the first degree under § 3–601 of this article;
- 5 (16) sexual abuse of a minor under § 3–602 of this article if:
- 6 (i) the victim is under the age of 13 years and the offender is an
7 adult at the time of the offense; and
- 8 (ii) the offense involved:
- 9 1. vaginal intercourse, as defined in § 3–301 of this article;
- 10 2. a sexual act, as defined in § 3–301 of this article;
- 11 3. an act in which a part of the offender’s body penetrates,
12 however slightly, into the victim’s genital opening or anus; or
- 13 4. the intentional touching, not through the clothing, of the
14 victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
15 gratification, or abuse;
- 16 (17) an attempt to commit any of the crimes described in items (1) through
17 (16) of this subsection;
- 18 (18) continuing course of conduct with a child under § 3–315 of this article;
- 19 (19) assault in the first degree;
- 20 (20) assault with intent to murder;
- 21 (21) assault with intent to rape;
- 22 (22) assault with intent to rob;
- 23 (23) assault with intent to commit a sexual offense in the first degree; [and]
- 24 (24) assault with intent to commit a sexual offense in the second degree; OR
- 25 **(25) HOME INVASION UNDER § 6–202(B) OF THIS ARTICLE.**

26 **Article – Public Safety**

- 1 (c) "Crime of violence" means:
- 2 (1) abduction;
- 3 (2) arson in the first degree;
- 4 (3) assault in the first or second degree;
- 5 (4) burglary in the first, second, or third degree;
- 6 (5) carjacking and armed carjacking;
- 7 (6) escape in the first degree;
- 8 (7) kidnapping;
- 9 (8) voluntary manslaughter;
- 10 (9) maiming as previously proscribed under former Article 27, § 386 of the
11 Code;
- 12 (10) mayhem as previously proscribed under former Article 27, § 384 of the
13 Code;
- 14 (11) murder in the first or second degree;
- 15 (12) rape in the first or second degree;
- 16 (13) robbery;
- 17 (14) robbery with a dangerous weapon;
- 18 (15) sexual offense in the first, second, or third degree;
- 19 (16) **HOME INVASION UNDER § 6-202(B) OF THE CRIMINAL LAW**
20 **ARTICLE;**
- 21 (17) an attempt to commit any of the crimes listed in items (1) through
22 [(15)](16) of this subsection; or
- 23 [(17)] (18) assault with intent to commit any of the crimes listed in items
24 (1) through [(15)] (16) of this subsection or a crime punishable by imprisonment for more
25 than 1 year.

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