

SENATE BILL 176

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9lr0164
CF 9lr0165

By: **The President (By Request – Administration) and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hayes, Hershey, Hough, Jennings, Ready, Salling, Serafini, Simonaire, and West**

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Commission on Criminal Sentencing Policy – Annual Report – Crimes of**
3 **Violence**

4 FOR the purpose of requiring a certain annual report submitted by the State Commission
5 on Criminal Sentencing Policy to identify certain information for each conviction of
6 a certain crime of violence; requiring the Commission to include certain entry
7 locations on a sentencing guidelines worksheet for a court to report certain
8 information; and generally relating to the State Commission on Criminal Sentencing
9 Policy.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 14–101(a)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Procedure
17 Section 6–201
18 Annotated Code of Maryland
19 (2018 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Procedure
22 Section 6–209
23 Annotated Code of Maryland
24 (2018 Replacement Volume)

25 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Procedure
2 Section 6–215
3 Annotated Code of Maryland
4 (2018 Replacement Volume)

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

7 **Article – Criminal Law**

8 14–101.

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

- 10 (1) abduction;
- 11 (2) arson in the first degree;
- 12 (3) kidnapping;
- 13 (4) manslaughter, except involuntary manslaughter;
- 14 (5) mayhem;
- 15 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
16 386 of the Code;
- 17 (7) murder;
- 18 (8) rape;
- 19 (9) robbery under § 3–402 or § 3–403 of this article;
- 20 (10) carjacking;
- 21 (11) armed carjacking;
- 22 (12) sexual offense in the first degree;
- 23 (13) sexual offense in the second degree;
- 24 (14) use of a firearm in the commission of a felony except possession with
25 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or
26 other crime of violence;
- 27 (15) child abuse in the first degree under § 3–601 of this article;

1 (16) sexual abuse of a minor under § 3–602 of this article if:

2 (i) the victim is under the age of 13 years and the offender is an
3 adult at the time of the offense; and

4 (ii) the offense involved:

5 1. vaginal intercourse, as defined in § 3–301 of this article;

6 2. a sexual act, as defined in § 3–301 of this article;

7 3. an act in which a part of the offender’s body penetrates,
8 however slightly, into the victim’s genital opening or anus; or

9 4. the intentional touching of the victim’s or the offender’s
10 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

11 (17) home invasion under § 6–202(b) of this article;

12 (18) an attempt to commit any of the crimes described in items (1) through
13 (17) of this subsection;

14 (19) continuing course of conduct with a child under § 3–315 of this article;

15 (20) assault in the first degree;

16 (21) assault with intent to murder;

17 (22) assault with intent to rape;

18 (23) assault with intent to rob;

19 (24) assault with intent to commit a sexual offense in the first degree; and

20 (25) assault with intent to commit a sexual offense in the second degree.

21 Article – Criminal Procedure

22 6–201.

23 In this part, “Commission” means the State Commission on Criminal Sentencing
24 Policy.

25 6–209.

26 (a) The Commission shall review annually sentencing policy and practice and, on
27 or before January 31 of each year, report to the General Assembly, in accordance with §

1 2–1246 of the State Government Article, on the activities of the preceding calendar year.

2 (b) (1) The report shall:

3 (i) include any changes to the sentencing guidelines made during
4 the preceding year;

5 (ii) review judicial compliance with the sentencing guidelines,
6 including compliance by crime and by judicial circuit;

7 **(III) FOR EACH CONVICTION OF A CRIME OF VIOLENCE AS**
8 **DEFINED IN § 14–101(A) OF THE CRIMINAL LAW ARTICLE, IDENTIFY:**

9 **1. THE CRIME OF WHICH THE DEFENDANT WAS**
10 **CONVICTED;**

11 **2. THE SENTENCE IMPOSED;**

12 **3. THE APPLICABLE SENTENCING GUIDELINES RANGE;**

13 **4. THE SENTENCE RECOMMENDED BY THE STATE;**

14 **5. THE COURT AND JUDICIAL CIRCUIT WITH**
15 **JURISDICTION OVER THE CASE; AND**

16 **6. THE SENTENCING JUDGE;**

17 [(iii)] **(IV)** review reductions or increases in original sentences that
18 have occurred because of reconsiderations of sentences imposed under § 14–101 of the
19 Criminal Law Article; and

20 [(iv)] **(V)** categorize information on the number of reconsiderations
21 of sentences by crimes as listed in § 14–101(a) of the Criminal Law Article and by judicial
22 circuit.

23 (2) The Commission shall consider a sentence to a corrections options
24 program to be within the sentencing guidelines if the sentence falls within a corrections
25 options zone shown on the matrix.

26 **6–215.**

27 **THE COMMISSION SHALL INCLUDE APPROPRIATE ENTRY LOCATIONS ON A**
28 **SENTENCING GUIDELINES WORKSHEET FOR A COURT TO REPORT THE**
29 **INFORMATION REQUIRED TO BE IDENTIFIED UNDER § 6–209(B)(1)(III) OF THIS PART**
30 **RELATING TO CRIMES OF VIOLENCE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2019.