

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 607

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Serious Property Offenses - Mandatory Sentencing" and substitute "Burglary Offenses - Enhanced Penalties"; in line 3, after "person" insert "who has been"; strike beginning with the second "a" in line 3 down through "certain" in line 12 and substitute "on one or more separate occasions of certain crimes related to burglary is subject to certain penalties on conviction of certain crimes related to burglary; providing that an offense shall be considered a separate occasion under certain circumstances; and generally relating to enhanced penalties for certain burglary".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 13 through 23, inclusive, and substitute:

"BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 29 and 30

Annotated Code of Maryland

(1992 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, without amendments,

Article 41 - Governor - Executive and Administrative Departments

Section 4-501(12)

Annotated Code of Maryland

(1993 Replacement Volume and 1995 Supplement)".

AMENDMENT NO. 3

On page 1, strike beginning with "That" in line 25 down through "ENACTED," in line 28.

(Over)

On page 2, strike in their entirety lines 2 through 21, inclusive, and substitute:

“29.

(a) A person may not break and enter the dwelling of another with the intent to commit theft or a crime of violence.

(b) A person who violates this section is guilty of the felony of burglary in the first degree and on conviction is subject to imprisonment for not more than 20 years.

(C) (1) A PERSON WHO VIOLATES THIS SECTION AND WHO HAS BEEN CONVICTED ON ONE OR MORE SEPARATE OCCASIONS OF A VIOLATION OF THIS SECTION OR § 30 OF THIS SUBHEADING IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 40 YEARS.”.

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 2 on page 3, inclusive, and substitute:

“30.

(a) A person may not break and enter the storehouse of another with the intent to commit theft, a crime of violence, or arson in the second degree.

(b) A person may not break and enter the storehouse of another with intent to steal, take, or carry away a firearm.

(c) A person who violates this section is guilty of the felony of burglary in the second degree and on conviction is subject to:

(1) For a violation of subsection (a) of this section, imprisonment for not more than 15 years; and

(2) For a violation of subsection (b) of this section, imprisonment for not more than 20 years or a fine of not more than \$10,000 or both.

(D) (1) A PERSON WHO VIOLATES THIS SECTION AND WHO HAS BEEN

CONVICTED ON ONE OR MORE SEPARATE OCCASIONS OF A VIOLATION OF THIS SECTION OR § 29 OF THIS SUBHEADING IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

(I) FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION, IMPRISONMENT FOR NOT MORE THAN 30 YEARS; AND

(II) FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION, IMPRISONMENT FOR NOT MORE THAN 40 YEARS OR A FINE OF NOT MORE THAN \$20,000 OR BOTH.

(2) A SEPARATE OCCASION SHALL BE CONSIDERED ONE IN WHICH THE SECOND OR SUCCEEDING OFFENSE IS COMMITTED AFTER THERE HAS BEEN A CHARGING DOCUMENT FILED FOR THE PRECEDING OCCASION.

Article 41 - Governor - Executive and Administrative Departments

4-501.

(12) "Violent crime" means burglary in the first, second, or third degree and any crime that is listed as a "crime of violence" under Article 27, § 643B of the Code."