
By: Delegates Montague, Minnick, T. Murphy, Curran, Doory, and Hutchins

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 1996

CHAPTER ____

1 AN ACT concerning

2 ~~Criminal Law - Serious Property Offenses—Mandatory Sentencing~~ Burglary Offenses -
3 Enhanced Penalties

4 [TAG ftpe]FOR the purpose of establishing that a person who has been convicted ~~a certain number~~
5 ~~of times for committing certain offenses is subject to certain mandatory sentences;~~
6 ~~defining certain terms; prohibiting a court from suspending all or part of the~~
7 ~~sentence imposed; prohibiting the release on parole of a person subject to a~~
8 ~~mandatory sentence except under specified circumstances; requiring the State to~~
9 ~~follow certain procedures under certain circumstances; providing an exception to~~
10 ~~the prohibition against parole for inmates of a certain age under certain~~
11 ~~circumstances; requiring the Maryland Parole Commission to adopt certain~~
12 ~~regulations; providing that the provisions of this Act do not apply to certain persons;~~
13 ~~and generally relating to mandatory sentencing for certain~~ on one or more separate
14 occasions of certain crimes related to burglary is subject to certain penalties on
15 conviction of certain crimes related to burglary; providing that an offense shall be
16 considered a separate occasion under certain circumstances; and generally relating
17 to enhanced penalties for certain burglary offenses.

18 BY renumbering

19 ~~Article 27—Crimes and Punishments~~
20 ~~Section 643C and 643D, respectively~~
21 ~~to be Section 643D and 643E, respectively~~
22 ~~Annotated Code of Maryland~~
23 ~~(1992 Replacement Volume and 1995 Supplement)~~

24 BY adding to

25 ~~Article 27—Crimes and Punishments~~
26 ~~Section 643C~~

2

1 ~~Annotated Code of Maryland~~
2 ~~(1992 Replacement Volume and 1995 Supplement)~~

3 BY repealing and reenacting, with amendments,
4 Article 27 - Crimes and Punishments
5 Section 29 and 30
6 Annotated Code of Maryland
7 (1992 Replacement Volume and 1995 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article 41 - Governor - Executive and Administrative Departments
10 Section 4-501(12)
11 Annotated Code of Maryland
12 (1993 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, ~~That Section(s) 643C and 643D, respectively, of Article 27—Crimes and~~
15 ~~Punishments of the Annotated Code of Maryland be renumbered to be Section(s) 643D~~
16 ~~and 643E, respectively.~~

17 SECTION 2. ~~AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland
18 read as follows:

19 **Article 27 - Crimes and Punishments**

20 ~~643C.~~

21 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
22 ~~INDICATED.~~

23 ~~(2) "CORRECTIONAL INSTITUTION" INCLUDES PATUXENT INSTITUTION~~
24 ~~AND A LOCAL OR REGIONAL JAIL OR DETENTION CENTER.~~

25 ~~(3) "SERIOUS PROPERTY OFFENSE" MEANS BURGLARY IN THE FIRST~~
26 ~~DEGREE, BURGLARY IN THE SECOND DEGREE, AND ARSON IN THE SECOND~~
27 ~~DEGREE.~~

28 ~~(B) (1) (i) ANY PERSON WHO HAS BEEN CONVICTED ON TWO SEPARATE~~
29 ~~OCCASIONS OF A SERIOUS PROPERTY OFFENSE WHERE THE CONVICTIONS DO NOT~~
30 ~~ARISE FROM A SINGLE INCIDENT AND WHO HAS SERVED AT LEAST ONE TERM OF~~
31 ~~CONFINEMENT IN A CORRECTIONAL INSTITUTION AS A RESULT OF A CONVICTION~~
32 ~~OF A SERIOUS PROPERTY OFFENSE, SHALL BE SENTENCED, ON BEING CONVICTED A~~
33 ~~THIRD OR SUBSEQUENT TIME OF A SERIOUS PROPERTY OFFENSE, TO~~
34 ~~IMPRISONMENT FOR THE TERM ALLOWED BY LAW, BUT, IN ANY EVENT, NOT LESS~~
35 ~~THAN 15 YEARS.~~

36 ~~(ii) A COURT MAY NOT SUSPEND ALL OR PART OF THE~~
37 ~~MANDATORY 15 YEAR SENTENCE REQUIRED UNDER THIS PARAGRAPH, AND THE~~
38 ~~PERSON SHALL NOT BE ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH THE~~
39 ~~PROVISIONS OF ARTICLE 31B, § 11 OF THE CODE.~~

3

1 29.

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

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

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

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

13 ~~(C) (1) ANY PERSON WHO HAS BEEN CONVICTED ON A PRIOR OCCASION OF~~
14 ~~A SERIOUS PROPERTY OFFENSE AND HAS SERVED A TERM OF CONFINEMENT IN A~~
15 ~~CORRECTIONAL INSTITUTION FOR THAT CONVICTION SHALL BE SENTENCED, ON~~
16 ~~BEING CONVICTED A SECOND TIME OF A SERIOUS PROPERTY OFFENSE, TO~~
17 ~~IMPRISONMENT FOR THE TERM ALLOWED BY LAW, BUT, IN ANY EVENT, NOT LESS~~
18 ~~THAN 10 YEARS.~~

19 ~~(2) A COURT MAY NOT SUSPEND ALL OR PART OF THE MANDATORY~~
20 ~~40 YEAR SENTENCE REQUIRED UNDER THIS SUBSECTION.~~

21 ~~(D) IF THE STATE INTENDS TO PROCEED AGAINST A PERSON AS A~~
22 ~~SUBSEQUENT OFFENDER UNDER THIS SECTION, IT SHALL COMPLY WITH THE~~
23 ~~PROCEDURES SET FORTH IN THE MARYLAND RULES FOR THE INDICTMENT AND~~
24 ~~TRIAL OF A SUBSEQUENT OFFENDER.~~

25 ~~(E) (1) ANY PERSON SENTENCED UNDER THE PROVISIONS OF THIS SECTION~~
26 ~~WHO IS AT LEAST 65 YEARS OLD AND HAS SERVED AT LEAST 5 YEARS OF THE~~
27 ~~SENTENCE IMPOSED MAY PETITION FOR AND BE GRANTED PAROLE.~~

28 ~~(2) THE MARYLAND PAROLE COMMISSION SHALL ADOPT REGULATIONS~~
29 ~~TO IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.~~

30 ~~(F) IF A PERSON IS SENTENCED TO DEATH, THE PROVISIONS OF THIS SECTION~~
31 ~~DO NOT APPLY.~~

32 30.

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

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

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

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

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

5 (D) (1) A PERSON WHO VIOLATES THIS SECTION AND WHO HAS BEEN
6 CONVICTED ON ONE OR MORE SEPARATE OCCASIONS OF A VIOLATION OF THIS
7 SECTION OR § 29 OF THIS SUBHEADING IS GUILTY OF A FELONY AND ON
8 CONVICTION IS SUBJECT TO:

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

11 (II) FOR A VIOLATION OF SUBSECTION (B) OF THIS SECTION,
12 IMPRISONMENT FOR NOT MORE THAN 40 YEARS OR A FINE OF NOT MORE THAN
13 \$20,000 OR BOTH.

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

17 **Article 41 - Governor - Executive and Administrative Departments**

18 4-501.

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1996.