
By: **Delegates Hecht and Preis**

Introduced and read first time: February 4, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes of Violence - Child Abuse**

3 FOR the purpose of adding the crime of abuse of a child to the list of crimes of violence
4 for which certain enhanced penalties shall be applied to certain repeat
5 offenders.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 643B
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1997 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 643B.

15 (a) As used in this section, the term "crime of violence" means abduction;
16 ABUSE OF A CHILD UNDER § 35C OF THIS ARTICLE; arson in the first degree;
17 kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming,
18 as previously proscribed under §§ 384, 385, and 386 of this article; murder; rape;
19 robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual
20 offense in the first degree; sexual offense in the second degree; use of a handgun in
21 the commission of a felony or other crime of violence; an attempt to commit any of the
22 aforesaid offenses; assault in the first degree; and assault with intent to murder,
23 assault with intent to rape, assault with intent to rob, assault with intent to commit
24 a sexual offense in the first degree, and assault with intent to commit a sexual offense
25 in the second degree, as these crimes were previously proscribed under former § 12 of
26 this article.

27 The term "correctional institution" includes Patuxent Institution and a local or
28 regional jail or detention center.

1 (b) Except as provided in subsections (f) and (g) of this section, any person who
2 has served three separate terms of confinement in a correctional institution as a
3 result of three separate convictions of any crime of violence shall be sentenced, on
4 being convicted a fourth time of a crime of violence, to life imprisonment without the
5 possibility of parole. Regardless of any other law to the contrary, the provisions of this
6 subsection are mandatory.

7 (c) Except as provided in subsections (f) and (g) of this section, any person who
8 (1) has been convicted on two separate occasions of a crime of violence where the
9 convictions do not arise from a single incident, and (2) has served at least one term of
10 confinement in a correctional institution as a result of a conviction of a crime of
11 violence, shall be sentenced, on being convicted a third time of a crime of violence, to
12 imprisonment for the term allowed by law, but, in any event, not less than 25 years.
13 The court may not suspend all or part of the mandatory 25-year sentence required
14 under this subsection, and the person shall not be eligible for parole except in
15 accordance with the provisions of Article 31B, § 11. A separate occasion shall be
16 considered one in which the second or succeeding offense is committed after there has
17 been a charging document filed for the preceding occasion.

18 (d) Except as provided in subsection (g) of this section, any person who has
19 been convicted on a prior occasion of a crime of violence, including a conviction for an
20 offense committed before October 1, 1994, and has served a term of confinement in a
21 correctional institution for that conviction shall be sentenced, on being convicted a
22 second time of a crime of violence committed on or after October 1, 1994, to
23 imprisonment for the term allowed by law, but, in any event, not less than 10 years.
24 The court may not suspend all or part of the mandatory 10-year sentence required
25 under this subsection.

26 (e) If the State intends to proceed against a person as a subsequent offender
27 under this section, it shall comply with the procedures set forth in the Maryland
28 Rules for the indictment and trial of a subsequent offender.

29 (f) (1) Any person sentenced under the provisions of this section who is at
30 least 65 years old and has served at least 15 years of the sentence imposed may
31 petition for and be granted parole.

32 (2) The Maryland Parole Commission shall adopt regulations to
33 implement the provisions of this subsection.

34 (g) If a person is sentenced to death, the provisions of this section do not apply.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1998.