

SENATE BILL 46

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D4

1998 Regular Session
8lr0814
CF 8lr0468

(PRE-FILED)

By: **Senators Forehand and Della**

Requested: November 15, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Denial of Custody or Visitation - First Degree Murder**

3 FOR the purpose of prohibiting a court from awarding custody of a child or visitation
4 with a child to a parent convicted of first degree murder of the other parent of
5 the child except under certain circumstances; providing for the application of
6 this Act; and generally relating to child custody and visitation.

7 BY adding to
8 Article - Family Law
9 Section 9-101.2
10 Annotated Code of Maryland
11 (1991 Replacement Volume and 1997 Supplement)

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

14 **Article - Family Law**

15 9-101.2.

16 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COURT MAY
17 NOT AWARD CUSTODY OF A CHILD OR VISITATION WITH A CHILD TO A PARENT WHO
18 HAS BEEN CONVICTED IN ANY STATE OR IN ANY COURT OF THE UNITED STATES OF A
19 CRIME THAT WOULD BE FIRST DEGREE MURDER OF THE OTHER PARENT OF THE
20 CHILD UNDER ARTICLE 27, § 407 OF THE CODE IF COMMITTED IN THIS STATE.

21 (B) A COURT MAY APPROVE OF A SUPERVISED VISITATION ARRANGEMENT
22 THAT ASSURES THE SAFETY AND THE PSYCHOLOGICAL AND EMOTIONAL
23 WELL-BEING OF THE CHILD IF:

24 (1) (I) THE COURT FINDS THAT THE CHILD IS OF SUFFICIENT AGE
25 AND CAPACITY TO FORM A RATIONAL JUDGMENT; AND

26 (II) THE CHILD CONSENTS TO THE AWARD OF SUPERVISED
27 VISITATION; AND

1 (2) SUPERVISED VISITATION IS IN THE BEST INTEREST OF THE CHILD.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
3 to individuals convicted on or after the effective date of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1998.