

SENATE BILL 46

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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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 18, 1998

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Denial of Custody or Visitation - ~~First Degree Murder or~~**
3 **Voluntary Manslaughter**

4 FOR the purpose of prohibiting a court from awarding custody of a child or visitation
5 with a child to a parent convicted in this State of first degree murder, second
6 degree murder, or voluntary manslaughter of the other parent of the child or in
7 any state or any court of the United States of a crime that would be first degree
8 murder, second degree murder, or voluntary manslaughter of the other parent of
9 the child if committed in this State, except under certain circumstances;
10 ~~providing for the application of this Act~~; and generally relating to child custody
11 and visitation.

12 BY adding to
13 Article - Family Law
14 Section 9-101.2
15 Annotated Code of Maryland
16 (1991 Replacement Volume and 1997 Supplement)

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

19 **Article - Family Law**

20 9-101.2.

21 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COURT MAY
22 NOT AWARD CUSTODY OF A CHILD OR VISITATION WITH A CHILD TO A PARENT WHO

1 HAS BEEN CONVICTED IN THIS STATE OF FIRST DEGREE MURDER, SECOND DEGREE
2 MURDER, OR VOLUNTARY MANSLAUGHTER OF THE OTHER PARENT OF THE CHILD OR
3 IN ANY STATE OR IN ANY COURT OF THE UNITED STATES OF A CRIME THAT WOULD
4 BE FIRST DEGREE MURDER, SECOND DEGREE MURDER, OR VOLUNTARY
5 MANSLAUGHTER OF THE OTHER PARENT OF THE CHILD UNDER ARTICLE 27, § 407 OF
6 THE CODE IF COMMITTED IN THIS STATE.

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

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

12 (II) THE CHILD CONSENTS TO THE AWARD OF SUPERVISED
13 VISITATION; AND

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

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

17 SECTION 3. ~~AND BE IT FURTHER ENACTED, That this Act shall take effect~~
18 ~~October 1, 1998.~~