

HOUSE BILL 23

Unofficial Copy
D4
HB 189/98 - JUD

1999 Regular Session
9lr0293

(PRE-FILED)

By: **Delegate Menes**
Requested: August 27, 1998
Introduced and read first time: January 13, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting a court from awarding custody of a child or visitation
5 with a child to a parent who has been found guilty of first degree murder, second
6 degree murder, or voluntary manslaughter of certain individuals except under
7 certain circumstances; authorizing a court to approve of a certain supervised
8 visitation arrangement under certain circumstances; providing for the
9 application of this Act; and generally relating to child custody and visitation.

10 BY adding to
11 Article - Family Law
12 Section 9-101.2
13 Annotated Code of Maryland
14 (1991 Replacement Volume and 1998 Supplement)

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

17 **Article - Family Law**

18 9-101.2.

19 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A COURT MAY
20 NOT AWARD CUSTODY OF A CHILD OR VISITATION WITH A CHILD TO A PARENT WHO
21 HAS BEEN FOUND GUILTY BY A COURT:

22 (1) OF THIS STATE OF FIRST DEGREE MURDER, SECOND DEGREE
23 MURDER, OR VOLUNTARY MANSLAUGHTER OF THE OTHER PARENT OF THE CHILD,
24 ANOTHER CHILD OF THE PARENT, OR ANY INDIVIDUAL WHO RESIDES IN THE
25 HOUSEHOLD OF THE PARENT; OR

26 (2) OF ANY STATE OR OF THE UNITED STATES OF A CRIME THAT, IF
27 COMMITTED IN THIS STATE, WOULD BE FIRST DEGREE MURDER, SECOND DEGREE

1 MURDER, OR VOLUNTARY MANSLAUGHTER OF THE OTHER PARENT OF THE CHILD,
2 ANOTHER CHILD OF THE PARENT, OR ANY INDIVIDUAL WHO RESIDES IN THE
3 HOUSEHOLD OF THE PARENT.

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

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

9 (II) THE CHILD CONSENTS TO THE AWARD OF SUPERVISED
10 VISITATION; AND

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
13 to offenses committed on or after the effective date of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1999.