

HOUSE BILL 702

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HB 772/98 - JUD

1999 Regular Session  
9r2221

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By: **Delegate J. Kelly**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crime of Violence - Second Time Conviction - Mandatory Sentence**

3 FOR the purpose of establishing that a person who is convicted a second time or more  
4 of a "crime of violence" is subject to a mandatory sentence of life imprisonment  
5 without the possibility of parole; providing for a certain penalty; providing for  
6 the application of this Act; and generally relating to a crime of violence and  
7 mandatory sentence of life imprisonment without the possibility of parole.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 643B  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1998 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 643B.

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

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

1 (b) Except as provided in subsections [(f)] (D) and [(g)] (E) of this section, any  
2 person who has [served three separate terms of confinement in a correctional  
3 institution as a result of three separate convictions of any crime of violence shall be  
4 sentenced, on being convicted a fourth time of a crime of violence] **BEEN CONVICTED**  
5 **ON A PRIOR OCCASION OF A CRIME OF VIOLENCE AND HAS SERVED A TERM OF**  
6 **CONFINEMENT IN A CORRECTIONAL INSTITUTION FOR THAT CONVICTION SHALL BE**  
7 **SENTENCED, ON BEING CONVICTED A SECOND TIME OR MORE OF A CRIME OF**  
8 **VIOLENCE**, to life imprisonment without the possibility of parole. Regardless of any  
9 other law to the contrary, the provisions of this subsection are mandatory.

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

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

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

32 [(f)] (D) (1) Any person sentenced under the provisions of this section who  
33 is at least 65 years old and has served at least 15 years of the sentence imposed may  
34 petition for and be granted parole.

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

37 [(g)] (E) If a person is sentenced to death, the provisions of this section do not  
38 apply.

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
40 construed only prospectively and may not be applied or interpreted to have any effect  
41 on or application to any crime of violence that was committed before the effective date  
42 of this Act.

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