
By: **Delegates J. Kelly, Boutin, Burns, Elliott, DeCarlo, Donoghue, Dypski,
Eckardt, Kach, Leopold, Menes, Ports, Shank, Sophocleus, Stern, and
Cadden**

Introduced and read first time: February 12, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Presence of a Child - Penalties**

3 FOR the purpose of establishing certain penalties for the commission of certain
4 crimes in the presence of a certain child; establishing that a sentence imposed
5 under this Act may be separate from and consecutive to or concurrent with a
6 sentence for any offense based on the act or acts establishing the violation of this
7 Act; defining a certain term; and generally relating to the penalties for the
8 commission of a certain crime in the presence of a certain child.

9 BY adding to
10 Article 27 - Crimes and Punishments
11 Section 35C-1
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1998 Supplement)

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

16 **Article 27 - Crimes and Punishments**

17 35C-1.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 WHO IS:

21 (I) THE CHILD OR STEPCHILD OF THE PERSON COMMITTING OR
22 THE VICTIM OF AN OFFENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION; OR

23 (II) RESIDING IN THE HOUSEHOLD OF THE PERSON COMMITTING
24 OR THE VICTIM OF AN OFFENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

25 (3) "IN THE PRESENCE OF A CHILD" MEANS:

1 (I) IN THE PHYSICAL PRESENCE OF A CHILD; OR

2 (II) HAVING KNOWLEDGE THAT A CHILD IS PRESENT AND MAY SEE
3 OR HEAR AN ACT.

4 (B) THIS SECTION APPLIES TO THE FOLLOWING OFFENSES:

5 (1) ASSAULT AND RELATED OFFENSES UNDER §§ 12A THROUGH 12A-2 OF
6 THIS ARTICLE;

7 (2) SEXUAL OFFENSES UNDER §§ 462 THROUGH 464C OF THIS ARTICLE;

8 (3) VOLUNTARY MANSLAUGHTER; AND

9 (4) MURDER AND RELATED OFFENSES UNDER §§ 407 THROUGH 411A OF
10 THIS ARTICLE.

11 (C) (1) A PERSON WHO COMMITS ANY OF THE OFFENSES ENUMERATED IN
12 SUBSECTION (B) OF THIS SECTION IN THE PRESENCE OF A CHILD IS GUILTY OF A
13 FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR
14 IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

15 (2) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE
16 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY
17 OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION OF THIS
18 SECTION.

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