

SENATE BILL 111

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1999 Regular Session
9lr0519

By: **Senators Madden and Blount**

Introduced and read first time: January 22, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Violent Crimes Against Elderly Persons - Enhanced Penalty**

3 FOR the purpose of establishing a certain enhanced penalty for a conviction of a crime
4 of violence against a person over a certain age under certain circumstances;
5 defining "crime of violence"; establishing certain procedural requirements;
6 providing for the application of this Act; and generally relating to the enhanced
7 penalty for conviction of a crime of violence against a person over a certain age.

8 BY adding to
9 Article 27 - Crimes and Punishments
10 Section 643D
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1998 Supplement)

13 Preamble

14 WHEREAS, The General Assembly of Maryland recognizes that fear of crime is
15 one of the major personal concerns of the elderly and that elderly persons are more
16 vulnerable to and disproportionately damaged by crimes because they are less able to
17 escape offenders and are more likely to receive serious injury; and

18 WHEREAS, Elderly persons are especially affected by crimes of violence,
19 because they tend to suffer the greatest financially, physically, and psychologically as
20 a result of the crimes against them; and

21 WHEREAS, Elderly persons are rarely as physically or emotionally equipped to
22 protect themselves or aid in their own security as are their younger counterparts in
23 society, and as a result, they are far more susceptible than other age groups to the
24 adverse long-term effects of crimes of violence; and

25 WHEREAS, The General Assembly of Maryland finds that the penalties for
26 crimes of violence against the elderly should be more severe than the penalties for
27 crimes of violence committed against other members of society; now, therefore,

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

3 **Article 27 - Crimes and Punishments**

4 643D.

5 (A) IN THIS SECTION, "CRIME OF VIOLENCE" HAS THE MEANING PROVIDED IN
6 § 643B OF THIS SUBHEADING.

7 (B) A PERSON WHO COMMITS A CRIME OF VIOLENCE AGAINST A PERSON WHO
8 IS 65 OR MORE YEARS OF AGE AND KNOWS OR REASONABLY SHOULD KNOW THE AGE
9 OF THE VICTIM MAY RECEIVE UP TO A 50% INCREASE OF THE MAXIMUM SENTENCE
10 PROVIDED FOR THE COMMISSION OF THE CRIME.

11 (C) IF THE STATE INTENDS TO SEEK A SENTENCE INCREASE UNDER THIS
12 SECTION, THE STATE SHALL NOTIFY THE PERSON OF THE STATE'S INTENTION AT
13 LEAST 30 DAYS BEFORE TRIAL.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed only prospectively and may not be applied or interpreted to have any effect
16 on or application to any sentence imposed for a conviction of a crime of violence
17 against a person 65 or more years of age before the effective date of this Act.

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