
By: **Senators Van Hollen and Harris**

Introduced and read first time: February 26, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Crimes of Violence - Enhanced Penalty**

3 FOR the purpose of establishing a certain enhanced penalty for a conviction of a crime
4 of violence; establishing certain procedural requirements; providing for the
5 application of this Act; and generally relating to the enhanced penalty for a
6 conviction of a crime of violence.

7 BY repealing and reenacting, without amendments,
8 Article 27 - Crimes and Punishments
9 Section 643B(a)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1998 Supplement)

12 BY adding to
13 Article 27 - Crimes and Punishments
14 Section 643B(e)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1998 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 27 - Crimes and Punishments
19 Section 643B(e), (f), and (g)
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 1998 Supplement)

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

24 **Article 27 - Crimes and Punishments**

25 643B.

26 (a) As used in this section, the term "crime of violence" means abduction;
27 arson in the first degree; kidnapping; manslaughter, except involuntary

1 manslaughter; mayhem and maiming, as previously proscribed under §§ 384, 385,
2 and 386 of this article; murder; rape; robbery; robbery with a deadly weapon;
3 carjacking or armed carjacking; sexual offense in the first degree; sexual offense in
4 the second degree; use of a handgun in the commission of a felony or other crime of
5 violence; an attempt to commit any of the aforesaid offenses; assault in the first
6 degree; and assault with intent to murder, assault with intent to rape, assault with
7 intent to rob, assault with intent to commit a sexual offense in the first degree, and
8 assault with intent to commit a sexual offense in the second degree, as these crimes
9 were previously proscribed under former § 12 of this article.

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

12 (E) (1) A PERSON WHO COMMITS A CRIME OF VIOLENCE MAY RECEIVE UP
13 TO A 50% INCREASE OF THE MAXIMUM SENTENCE PROVIDED FOR THE COMMISSION
14 OF THE CRIME IF THE JUDGE DETERMINES THAT THE CIRCUMSTANCES WARRANT.
15 IN MAKING SUCH A DETERMINATION, THE JUDGE MAY CONSIDER ALL THE
16 CIRCUMSTANCES, INCLUDING WHETHER THE VICTIM WAS PARTICULARLY
17 VULNERABLE TO THE CRIME BECAUSE OF AGE, DISABILITY, OR ANY OTHER FACTOR.

18 (2) IF THE STATE INTENDS TO SEEK A SENTENCE INCREASE UNDER
19 THIS SUBSECTION, THE STATE SHALL NOTIFY THE PERSON OF THE STATE'S
20 INTENTION AT LEAST 30 DAYS BEFORE TRIAL.

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

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

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

29 [(g)] (H) If a person is sentenced to death, the provisions of this section do not
30 apply.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
32 construed only prospectively and may not be applied or interpreted to have any effect
33 on or application to any sentence imposed for a conviction of a crime of violence before
34 the effective date of this Act.

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