
By: **Delegate J. Kelly**
Introduced and read first time: February 11, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

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

9 BY adding to
10 Article 27 - Crimes and Punishments
11 Section 35C-1
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1999 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 A MINOR CHILD THAT IS:

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

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

1 (3) "IN THE PRESENCE OF A CHILD" MEANS WITHIN THE SIGHT OR
2 SOUND OF A CHILD.

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

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

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

7 (3) VOLUNTARY MANSLAUGHTER; AND

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2000.