

HOUSE BILL 435

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HB 456/98 - JUD

2001 Regular Session  
11r0976

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By: **Delegates Hecht, W. Baker, Barkley, Boutin, Bronrott, Cadden, Conroy, Cryor, DeCarlo, Donoghue, Dypski, Franchot, Frush, Glassman, Heller, Hubers, Hutchins, James, V. Jones, Klausmeier, Mandel, Marriott, McIntosh, Morhaim, Parrott, Pitkin, Riley, Rosso, Rudolph, Shank, Sophocleus, and Stern**

Introduced and read first time: February 1, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes of Violence - Child Abuse**

3 FOR the purpose of adding the crime of abuse of a child to the list of crimes of violence  
4 for which certain enhanced penalties shall be applied to certain repeat  
5 offenders.

6 BY repealing and reenacting, with amendments,  
7 Article 27 - Crimes and Punishments  
8 Section 643B  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume and 2000 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 643B.

15 (a) As used in this section, the term "crime of violence" means abduction;  
16 ABUSE OF A CHILD UNDER § 35C OF THIS ARTICLE; arson in the first degree;  
17 kidnapping; manslaughter, except involuntary manslaughter; mayhem and maiming,  
18 as previously proscribed under §§ 384, 385, and 386 of this article; murder; rape;  
19 robbery under § 486 or § 487 of this article; carjacking or armed carjacking; sexual  
20 offense in the first degree; sexual offense in the second degree; use of a handgun in  
21 the commission of a felony or other crime of violence; an attempt to commit any of the  
22 aforesaid offenses; assault in the first degree; and assault with intent to murder,  
23 assault with intent to rape, assault with intent to rob, assault with intent to commit  
24 a sexual offense in the first degree, and assault with intent to commit a sexual offense  
25 in the second degree, as these crimes were previously proscribed under former § 12 of  
26 this article.

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

3 (b) Except as provided in subsections (f) and (g) of this section, any person who  
4 has served three separate terms of confinement in a correctional institution as a  
5 result of three separate convictions of any crime of violence shall be sentenced, on  
6 being convicted a fourth time of a crime of violence, to life imprisonment without the  
7 possibility of parole. Regardless of any other law to the contrary, the provisions of this  
8 subsection are mandatory.

9 (c) Except as provided in subsections (f) and (g) of this section, any person who  
10 (1) has been convicted on two separate occasions of a crime of violence where the  
11 convictions do not arise from a single incident, and (2) has served at least one term of  
12 confinement in a correctional institution as a result of a conviction of a crime of  
13 violence, shall be sentenced, on being convicted a third time of a crime of violence, to  
14 imprisonment for the term allowed by law, but, in any event, not less than 25 years.  
15 The court may not suspend all or part of the mandatory 25-year sentence required  
16 under this subsection, and the person shall not be eligible for parole except in  
17 accordance with the provisions of § 4-305 of the Correctional Services Article. A  
18 separate occasion shall be considered one in which the second or succeeding offense is  
19 committed after there has been a charging document filed for the preceding occasion.

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

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

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

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

36 (g) If a person is sentenced to death, the provisions of this section do not apply.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 October 1, 2001.