

HOUSE BILL 980

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HB 1130/00 - JUD

2001 Regular Session
11r0598

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

Introduced and read first time: February 9, 2001

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 within
4 the sight or sound of certain children; establishing that a sentence imposed
5 under this Act may be separate from and consecutive to a sentence for any
6 offense based on the act or acts establishing the violation of this Act; defining
7 certain terms; and generally relating to the commission of certain crimes within
8 the sight or sound of certain children.

9 BY adding to
10 Article 27 - Crimes and Punishments
11 Section 35C-1
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2000 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) IN THIS SECTION, "CHILD" MEANS A MINOR CHILD THAT IS:

19 (1) THE BIOLOGICAL CHILD OR STEPCHILD OF:

20 (I) THE PERSON COMMITTING AN OFFENSE DESCRIBED IN
21 SUBSECTION (B) OF THIS SECTION; OR

22 (II) THE VICTIM OF AN OFFENSE DESCRIBED IN SUBSECTION (B) OF
23 THIS SECTION; OR

24 (2) RESIDING IN THE HOUSEHOLD OF:

1 (I) THE PERSON COMMITTING AN OFFENSE DESCRIBED IN
2 SUBSECTION (B) OF THIS SECTION; OR

3 (II) THE VICTIM OF AN OFFENSE DESCRIBED IN SUBSECTION (B) OF
4 THIS SECTION.

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

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

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

9 (3) VOLUNTARY MANSLAUGHTER; AND

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

12 (C) (1) A PERSON WHO COMMITS ANY OF THE OFFENSES ENUMERATED IN
13 SUBSECTION (B) OF THIS SECTION WITHIN THE SIGHT OR SOUND OF A CHILD IS
14 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
15 \$5,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

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

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