

SENATE BILL 755

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SB 559/00 - JPR

2001 Regular Session
1r1278

By: **Senators Haines, Colburn, Ferguson, Forehand, Hafer, Harris, Hooper,
Jacobs, Madden, McCabe, Mooney, Munson, Stoltzfus, and Stone**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 9, 2001

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Domestic Abuse Murder**

3 FOR the purpose of making murder committed in the perpetration of certain abuse
4 against certain persons, murder in the first degree if the person committing the
5 murder has engaged in a past pattern of abuse on the victim and if the death
6 occurs under circumstances that show an extreme indifference to human life;
7 and generally relating to murder in the first degree.

8 BY adding to
9 Article 27 - Crimes and Punishments
10 Section 410A
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Family Law
15 Section 4-501(a), (b), (i), and (m) and 14-101(q)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

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

1

Article 27 - Crimes and Punishments

2 410A.

3 ALL MURDER WHICH IS COMMITTED IN THE PERPETRATION OF ABUSE AS
4 DEFINED UNDER § 4-501 OF THE FAMILY LAW ARTICLE AGAINST A SPOUSE, FORMER
5 SPOUSE, CHILD, VULNERABLE ADULT, OR ANY OTHER PERSON ELIGIBLE FOR RELIEF
6 UNDER § 4-501 OF THE FAMILY LAW ARTICLE SHALL BE MURDER IN THE FIRST
7 DEGREE:

8 (1) IF THE PERSON COMMITTING THE MURDER HAS ENGAGED IN A PAST
9 PATTERN OF ABUSE ON THE VICTIM; AND

10 (2) IF THE DEATH OCCURS UNDER CIRCUMSTANCES THAT SHOW AN
11 EXTREME INDIFFERENCE TO HUMAN LIFE.

12

Article - Family Law

13 4-501.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) (1) "Abuse" means any of the following acts:

16 (i) an act that causes serious bodily harm;

17 (ii) an act that places a person eligible for relief in fear of imminent
18 serious bodily harm;

19 (iii) assault in any degree;

20 (iv) rape or sexual offense as defined by Article 27, §§ 462 through
21 464C of the Code or attempted rape or sexual offense in any degree; or

22 (v) false imprisonment.

23 (2) If the person for whom relief is sought is a child, "abuse" may also
24 include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this
25 subtitle shall be construed to prohibit reasonable punishment, including reasonable
26 corporal punishment, in light of the age and condition of the child, from being
27 performed by a parent or stepparent of the child.

28 (3) If the person for whom relief is sought is a vulnerable adult, "abuse"
29 may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this
30 article.

31 (i) "Person eligible for relief" includes:

32 (1) the current or former spouse of the respondent;

33 (2) a cohabitant of the respondent;

1 (3) a person related to the respondent by blood, marriage, or adoption;

2 (4) a parent, stepparent, child, or stepchild of the respondent or the
3 person eligible for relief who resides or resided with the respondent or person eligible
4 for relief for at least 90 days within 1 year before the filing of the petition;

5 (5) a vulnerable adult; or

6 (6) an individual who has a child in common with the respondent.

7 (m) "Vulnerable adult" has the meaning provided in § 14-101(q) of this article.
8 14-101.

9 (q) "Vulnerable adult" means an adult who lacks the physical or mental
10 capacity to provide for the adult's daily needs.

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