
By: **Delegates Quinter, Amedori, Bohanan, Shank, Sophocleus, and
F. Turner**

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Assigned to: Judiciary

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CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - Crimes of Violence - Child Abuse and Sexual Abuse of**
3 **a Minor**

4 FOR the purpose of adding the crimes of child abuse in the first degree, ~~child abuse in~~
5 ~~the second degree, and sexual abuse of a minor~~ to the list of crimes of violence
6 for which certain enhanced penalties shall be applied to certain offenders; and
7 generally relating to crimes of violence.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 14-101
11 Annotated Code of Maryland
12 (2002 Volume and 2003 Supplement)

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

15 **Article - Criminal Law**

16 14-101.

17 (a) In this section, "crime of violence" means:

18 (1) abduction;

19 (2) arson in the first degree;

- 1 (3) kidnapping;
- 2 (4) manslaughter, except involuntary manslaughter;
- 3 (5) mayhem;
- 4 (6) maiming, as previously proscribed under Article 27, §§ 385 and 386 of
5 the Code;
- 6 (7) murder;
- 7 (8) rape;
- 8 (9) robbery under § 3-402 or § 3-403 of this article;
- 9 (10) carjacking;
- 10 (11) armed carjacking;
- 11 (12) sexual offense in the first degree;
- 12 (13) sexual offense in the second degree;
- 13 (14) use of a handgun in the commission of a felony or other crime of
14 violence;
- 15 (15) CHILD ABUSE IN THE FIRST ~~OR SECOND~~ DEGREE UNDER § 3-601 OF
16 THIS ARTICLE;
- 17 ~~(16) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THIS ARTICLE;~~
- 18 [(15)] ~~(17)~~ (16) an attempt to commit any of the crimes described in
19 items (1) through [(14)] ~~(16)~~ (15) of this subsection;
- 20 [(16)] ~~(18)~~ (17) assault in the first degree;
- 21 [(17)] ~~(19)~~ (18) assault with intent to murder;
- 22 [(18)] ~~(20)~~ (19) assault with intent to rape;
- 23 [(19)] ~~(21)~~ (20) assault with intent to rob;
- 24 [(20)] ~~(22)~~ (21) assault with intent to commit a sexual offense in the
25 first degree; and
- 26 [(21)] ~~(23)~~ (22) assault with intent to commit a sexual offense in the
27 second degree.
- 28 (b) This section does not apply if a person is sentenced to death.
- 29 (c) (1) Except as provided in subsection (g) of this section, on conviction for
30 a fourth time of a crime of violence, a person who has served three separate terms of

1 confinement in a correctional facility as a result of three separate convictions of any
2 crime of violence shall be sentenced to life imprisonment without the possibility of
3 parole.

4 (2) Notwithstanding any other law, the provisions of this subsection are
5 mandatory.

6 (d) (1) Except as provided in subsection (g) of this section, on conviction for
7 a third time of a crime of violence, a person shall be sentenced to imprisonment for
8 the term allowed by law but not less than 25 years, if the person:

9 (i) has been convicted of a crime of violence on two prior separate
10 occasions:

11 1. in which the second or succeeding crime is committed after
12 there has been a charging document filed for the preceding occasion; and

13 2. for which the convictions do not arise from a single
14 incident; and

15 (ii) has served at least one term of confinement in a correctional
16 facility as a result of a conviction of a crime of violence.

17 (2) The court may not suspend all or part of the mandatory 25-year
18 sentence required under this subsection.

19 (3) A person sentenced under this subsection is not eligible for parole
20 except in accordance with the provisions of § 4-305 of the Correctional Services
21 Article.

22 (e) (1) On conviction for a second time of a crime of violence committed on or
23 after October 1, 1994, a person shall be sentenced to imprisonment for the term
24 allowed by law, but not less than 10 years, if the person:

25 (i) has been convicted on a prior occasion of a crime of violence,
26 including a conviction for a crime committed before October 1, 1994; and

27 (ii) served a term of confinement in a correctional facility for that
28 conviction.

29 (2) The court may not suspend all or part of the mandatory 10-year
30 sentence required under this subsection.

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

34 (g) (1) A person sentenced under this section may petition for and be
35 granted parole if the person:

36 (i) is at least 65 years old; and

1 (ii) has served at least 15 years of the sentence imposed under this
2 section.

3 (2) The Maryland Parole Commission shall adopt regulations to
4 implement this subsection.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2004.