

(PRE-FILED)

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By: **Delegates Quinter, Montgomery, F. Turner, DeBoy, Sophocleus, Menes,  
Dumais, Howard, Trueschler, McMillan, Cryor, Shewell, Hogan, and  
Rudolph**

Requested: July 21, 2005

Introduced and read first time: January 11, 2006

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Crimes of Violence - Child Abuse**

3 FOR the purpose of adding the crime of child abuse in the first degree to the list of  
4 crimes of violence for which certain enhanced penalties are applied to certain  
5 offenders; and generally relating to crimes of violence.

6 BY repealing and reenacting, with amendments,  
7 Article - Criminal Law  
8 Section 14-101  
9 Annotated Code of Maryland  
10 (2002 Volume and 2005 Supplement)

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

13 **Article - Criminal Law**

14 14-101.

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

16 (1) abduction;

17 (2) arson in the first degree;

18 (3) kidnapping;

19 (4) manslaughter, except involuntary manslaughter;

20 (5) mayhem;

21 (6) maiming, as previously proscribed under former Article 27, §§ 385  
22 and 386 of the Code;

- 1 (7) murder;
- 2 (8) rape;
- 3 (9) robbery under § 3-402 or § 3-403 of this article;
- 4 (10) carjacking;
- 5 (11) armed carjacking;
- 6 (12) sexual offense in the first degree;
- 7 (13) sexual offense in the second degree;
- 8 (14) use of a handgun in the commission of a felony or other crime of
- 9 violence;
- 10 (15) CHILD ABUSE IN THE FIRST DEGREE UNDER § 3-601 OF THIS
- 11 ARTICLE;
- 12 [(15)] (16) an attempt to commit any of the crimes described in items (1)
- 13 through [(14)] (15) of this subsection;
- 14 [(16)] (17) assault in the first degree;
- 15 [(17)] (18) assault with intent to murder;
- 16 [(18)] (19) assault with intent to rape;
- 17 [(19)] (20) assault with intent to rob;
- 18 [(20)] (21) assault with intent to commit a sexual offense in the first
- 19 degree; and
- 20 [(21)] (22) assault with intent to commit a sexual offense in the second
- 21 degree.

22 (b) This section does not apply if a person is sentenced to death.

23 (c) (1) Except as provided in subsection (g) of this section, on conviction for  
24 a fourth time of a crime of violence, a person who has served three separate terms of  
25 confinement in a correctional facility as a result of three separate convictions of any  
26 crime of violence shall be sentenced to life imprisonment without the possibility of  
27 parole.

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

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

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

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

5 2. for which the convictions do not arise from a single  
6 incident; and

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

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

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

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

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

19 (ii) served a term of confinement in a correctional facility for that  
20 conviction.

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

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

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

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

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

31 (2) The Maryland Parole Commission shall adopt regulations to  
32 implement this subsection.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
34 effect October 1, 2006.