

(PRE-FILED)

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

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Assigned to: Judiciary

Committee Report: Favorable

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CHAPTER _____

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;

- 1 (3) kidnapping;
- 2 (4) manslaughter, except involuntary manslaughter;
- 3 (5) mayhem;
- 4 (6) maiming, as previously proscribed under former Article 27, §§ 385
- 5 and 386 of 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 DEGREE UNDER § 3-601 OF THIS

16 ARTICLE;

17 [(15)] (16) an attempt to commit any of the crimes described in items (1)

18 through [(14)] (15) of this subsection;

19 [(16)] (17) assault in the first degree;

20 [(17)] (18) assault with intent to murder;

21 [(18)] (19) assault with intent to rape;

22 [(19)] (20) assault with intent to rob;

23 [(20)] (21) assault with intent to commit a sexual offense in the first

24 degree; and

25 [(21)] (22) assault with intent to commit a sexual offense in the second

26 degree.

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

28 (c) (1) Except as provided in subsection (g) of this section, on conviction for

29 a fourth time of a crime of violence, a person who has served three separate terms of

30 confinement in a correctional facility as a result of three separate convictions of any

1 crime of violence shall be sentenced to life imprisonment without the possibility of
2 parole.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (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, 2006.