

(PRE-FILED)

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

Requested: August 29, 2005

Introduced and read first time: January 11, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of adding the crime of sexual abuse of a minor under a certain age
4 to the list of crimes of violence for which certain enhanced penalties shall be
5 applied to certain 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) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THIS ARTICLE
 11 COMMITTED ON A MINOR UNDER THE AGE OF 10 YEARS;

12 [(15)] (16) an attempt to commit any of the crimes described in items (1)
 13 through (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 effect
34 October 1, 2006.