
By: **Delegates Simmons, Dumais, and King**
Introduced and read first time: January 27, 2006
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2006

CHAPTER_____

1 AN ACT concerning

2 **Crimes - Committing Crime of Violence in Presence of Minor - Penalties**

3 FOR the purpose of prohibiting a person from committing a certain crime of violence
4 while knowingly in the presence of a minor under a certain age who witnesses
5 the crime; establishing certain penalties for a violation of this Act; establishing
6 that a sentence under this Act is separate from and consecutive to a sentence for
7 a crime based on the act establishing a violation of this Act; providing that a
8 person who violates this Act is guilty of the abuse of a child under 18 for certain
9 purposes; requiring a court to grant a certain motion for a separate trial under
10 certain circumstances; and generally relating to the commission of crimes of
11 violence in the presence of minors.

12 BY repealing and reenacting, without amendments,
13 Article - Courts and Judicial Proceedings
14 Section 9-106(a)
15 Annotated Code of Maryland
16 (2002 Replacement Volume and 2005 Supplement)

17 BY adding to
18 Article - Criminal Law
19 Section 3-601.1
20 Annotated Code of Maryland
21 (2002 Volume and 2005 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Public Safety

1 Section 5-101(a) and (c)
2 Annotated Code of Maryland
3 (2003 Volume and 2005 Supplement)

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

6 **Article - Courts and Judicial Proceedings**

7 9-106.

8 (a) The spouse of a person on trial for a crime may not be compelled to testify
9 as an adverse witness unless the charge involves:

10 (1) The abuse of a child under 18; or

11 (2) Assault in any degree in which the spouse is a victim if:

12 (i) The person on trial was previously charged with assault in any
13 degree or assault and battery of the spouse;

14 (ii) The spouse was sworn to testify at the previous trial; and

15 (iii) The spouse refused to testify at the previous trial on the basis of
16 the provisions of this section.

17 **Article - Criminal Law**

18 3-601.1.

19 (A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS DEFINED IN § 5-101
20 OF THE PUBLIC SAFETY ARTICLE WHILE KNOWINGLY IN THE PRESENCE OF A MINOR
21 UNDER THE AGE OF 16 YEARS WHO WITNESSES THE CRIME.

22 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
23 AND ON CONVICTION, IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR THE
24 CRIME OF VIOLENCE, IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A
25 FINE NOT EXCEEDING \$5,000 OR BOTH.

26 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM
27 AND CONSECUTIVE TO A SENTENCE FOR A CRIME BASED ON THE ACT ESTABLISHING
28 THE VIOLATION OF THIS SECTION.

29 (D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE ABUSE
30 OF A CHILD UNDER 18 FOR PURPOSES OF § 9-106 OF THE COURTS ARTICLE.

31 (2) A COURT SHALL GRANT A MOTION TO SEPARATE THE TRIAL OF THE
32 VIOLATION OF THIS SECTION FROM THE TRIAL OF A CRIME OF VIOLENCE IN WHICH
33 THE SPOUSAL PRIVILEGE GRANTED UNDER § 9-106 OF THE COURTS ARTICLE IS
34 PROPERLY INVOKED.

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Article - Public Safety

2 5-101.

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

4 (c) "Crime of violence" means:

5 (1) abduction;

6 (2) arson in the first degree;

7 (3) assault in the first or second degree;

8 (4) burglary in the first, second, or third degree;

9 (5) carjacking and armed carjacking;

10 (6) escape in the first degree;

11 (7) kidnapping;

12 (8) voluntary manslaughter;

13 (9) maiming as previously proscribed under former Article 27, § 386 of
14 the Code;15 (10) mayhem as previously proscribed under former Article 27, § 384 of
16 the Code;

17 (11) murder in the first or second degree;

18 (12) rape in the first or second degree;

19 (13) robbery;

20 (14) robbery with a dangerous weapon;

21 (15) sexual offense in the first, second, or third degree;

22 (16) an attempt to commit any of the crimes listed in items (1) through
23 (15) of this subsection; or24 (17) assault with intent to commit any of the crimes listed in items (1)
25 through (15) of this subsection or a crime punishable by imprisonment for more than
26 1 year.27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2006.

