
By: **Delegates Shank, Frank, and Kelly**
Introduced and read first time: February 6, 2006
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Crimes of Violence - Sexual Abuse of a Minor and**
3 **Continuing Course of Conduct with a Child**

4 FOR the purpose of adding the crimes of sexual abuse of a child under a certain age
5 and continuing course of conduct with a child to the list of crimes of violence for
6 which certain enhanced penalties are applied to certain offenders; and generally
7 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 2005 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;

20 (3) kidnapping;

21 (4) manslaughter, except involuntary manslaughter;

22 (5) mayhem;

23 (6) maiming, as previously proscribed under former Article 27, §§ 385
24 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 IF THE
11 VICTIM IS UNDER THE AGE OF 14 YEARS AT THE TIME OF THE OFFENSE;
- 12 [(15)] (16) an attempt to commit any of the crimes described in items (1)
13 through [(14)](15) of this subsection;
- 14 (17) CONTINUING COURSE OF CONDUCT WITH A CHILD UNDER § 3-315 OF
15 THIS ARTICLE;
- 16 [(16)] (18) assault in the first degree;
- 17 [(17)] (19) assault with intent to murder;
- 18 [(18)] (20) assault with intent to rape;
- 19 [(19)] (21) assault with intent to rob;
- 20 [(20)] (22) assault with intent to commit a sexual offense in the first
21 degree; and
- 22 [(21)] (23) assault with intent to commit a sexual offense in the second
23 degree.
- 24 (b) This section does not apply if a person is sentenced to death.
- 25 (c) (1) Except as provided in subsection (g) of this section, on conviction for
26 a fourth time of a crime of violence, a person who has served three separate terms of
27 confinement in a correctional facility as a result of three separate convictions of any
28 crime of violence shall be sentenced to life imprisonment without the possibility of
29 parole.
- 30 (2) Notwithstanding any other law, the provisions of this subsection are
31 mandatory.

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

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

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

8 2. for which the convictions do not arise from a single
9 incident; and

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

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

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

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

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

22 (ii) served a term of confinement in a correctional facility for that
23 conviction.

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

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

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

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

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

34 (2) The Maryland Parole Commission shall adopt regulations to
35 implement this subsection.

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