
By: **Delegates Brown, Bohanan, Conroy, D. Davis, Frush, Gaines, Griffith,
Holmes, Howard, Hubbard, Kaiser, Kelley, King, Menes, Moe,
Montgomery, Morhaim, Parker, Patterson, Ross, V. Turner, Vaughn, and
Zirkin**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Crime of Violence in or near School - Penalties**

3 FOR the purpose of authorizing a court to double the maximum term of imprisonment
4 and the maximum fine provided by law for a person convicted of a certain crime
5 of violence committed in a school vehicle, or in, on, or within a certain distance
6 of real property owned by or leased to a school; providing for the application of
7 this Act; and generally relating to crimes of violence and schools.

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;

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

3 (7) murder;

4 (8) rape;

5 (9) robbery under § 3-402 or § 3-403 of this article;

6 (10) carjacking;

7 (11) armed carjacking;

8 (12) sexual offense in the first degree;

9 (13) sexual offense in the second degree;

10 (14) use of a handgun in the commission of a felony or other crime of
11 violence;

12 (15) an attempt to commit any of the crimes described in items (1)
13 through (14) of this subsection;

14 (16) assault in the first degree;

15 (17) assault with intent to murder;

16 (18) assault with intent to rape;

17 (19) assault with intent to rob;

18 (20) assault with intent to commit a sexual offense in the first degree; and

19 (21) assault with intent to commit a sexual offense in the second degree.

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

21 (C) (1) NOTWITHSTANDING ANY OTHER LAW, A COURT MAY DOUBLE THE
22 MAXIMUM TERM OF IMPRISONMENT AND THE MAXIMUM FINE PROVIDED BY LAW
23 FOR A PERSON CONVICTED OF A CRIME OF VIOLENCE THAT IS COMMITTED:

24 (I) IN A SCHOOL VEHICLE, AS DEFINED UNDER § 11-154 OF THE
25 TRANSPORTATION ARTICLE; OR

26 (II) IN, ON, OR WITHIN 1,000 FEET OF REAL PROPERTY OWNED BY
27 OR LEASED TO AN ELEMENTARY SCHOOL, SECONDARY SCHOOL, OR COUNTY BOARD
28 AND USED FOR ELEMENTARY OR SECONDARY EDUCATION.

29 (2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES WHETHER OR NOT:

30 (I) SCHOOL WAS IN SESSION AT THE TIME OF THE CRIME; OR

1 (II) THE REAL PROPERTY WAS BEING USED FOR PURPOSES OTHER
2 THAN SCHOOL PURPOSES AT THE TIME OF THE CRIME.

3 [(c)] (D) (1) Except as provided in subsection [(g)] (H) of this section, on
4 conviction for a fourth time of a crime of violence, a person who has served three
5 separate terms of confinement in a correctional facility as a result of three separate
6 convictions of any crime of violence shall be sentenced to life imprisonment without
7 the possibility of parole.

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

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

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

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

17 2. for which the convictions do not arise from a single
18 incident; and

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

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

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

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

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

31 (ii) served a term of confinement in a correctional facility for that
32 conviction.

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

1 [(f)] (G) If the State intends to proceed against a person as a subsequent
2 offender under this section, it shall comply with the procedures set forth in the
3 Maryland Rules for the indictment and trial of a subsequent offender.

4 [(g)] (H) (1) A person sentenced under this section may petition for and be
5 granted parole if the person:

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

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

9 (2) The Maryland Parole Commission shall adopt regulations to
10 implement this subsection.

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