E1 6lr0189 CF 6lr0157

By: The President (By Request - Administration) and Senators Brinkley, Colburn, Della, Garagiola, Haines, Hooper, Jacobs, Jimeno, Kittleman,

Mooney, Munson, Schrader, Stoltzfus, and Stone

Introduced and read first time: January 23, 2006

Rules suspended

Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning	
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## 2 **Crimes - Victim and Witness Intimidation**

- 3 FOR the purpose of expanding the categories of crimes for which a certain type of
- evidence is admissible at trial under certain circumstances; expanding the list of 4 crimes applicable to certain provisions that provide a greater penalty if certain 5
- acts are committed against certain persons relating to the crimes; and generally 6
- relating to victim and witness intimidation. 7
- 8 BY repealing and reenacting, with amendments,
- Article Courts and Judicial Proceedings 9
- Section 10-901 10
- Annotated Code of Maryland 11
- (2002 Replacement Volume and 2005 Supplement) 12
- 13 BY repealing and reenacting, with amendments,
- Article Criminal Law 14
- 15 Section 9-302, 9-303, and 9-305
- Annotated Code of Maryland 16
- (2002 Volume and 2005 Supplement) 17
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 18
- 19 MARYLAND, That the Laws of Maryland read as follows:
- 20 **Article - Courts and Judicial Proceedings**
- 21 10-901.
- 22 (a) THIS SECTION APPLIES TO TRIALS FOR THE FOLLOWING CRIMES:
- 23 ASSAULT IN THE SECOND DEGREE UNDER § 3-203 OF THE CRIMINAL (1)
- 24 LAW ARTICLE FOR CASES TRIED IN A CIRCUIT COURT, UNLESS THE CASE IS BEING
- 25 TRIED IN A CIRCUIT COURT BECAUSE OF A DEFENDANT'S:

A statement may not be admitted under this section unless:

**UNOFFICIAL COPY OF SENATE BILL 222** 

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[(c)]

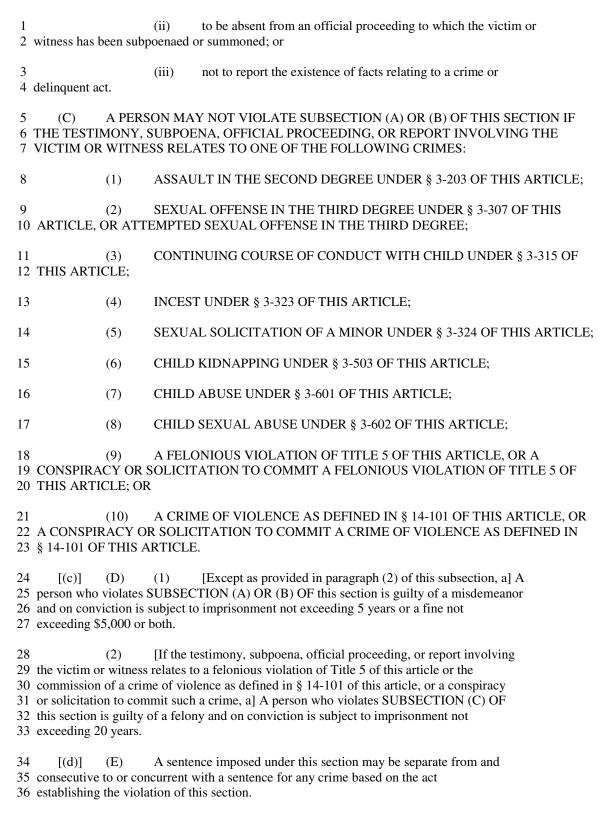
(D)

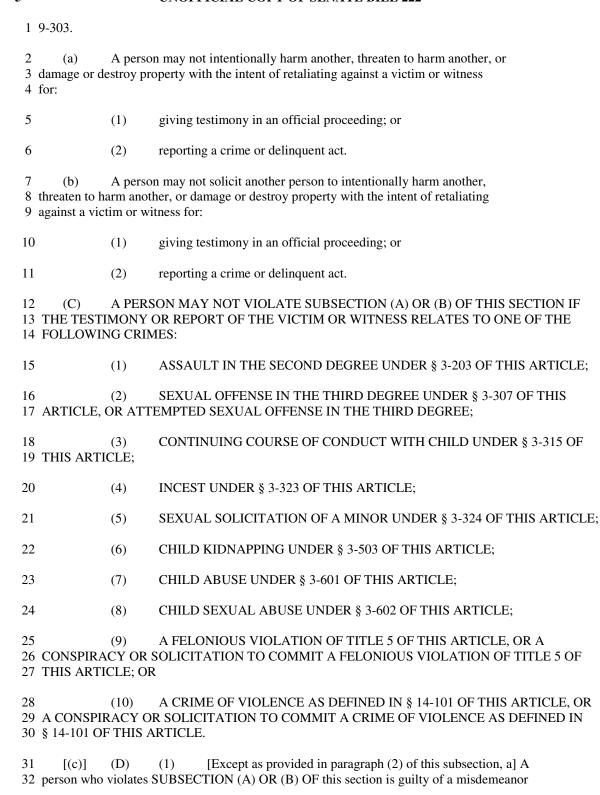
to avoid the service of a subpoena or summons to testify;

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(i)

## **UNOFFICIAL COPY OF SENATE BILL 222**





- 1 and on conviction is subject to imprisonment not exceeding 5 years or a fine not 2 exceeding \$5,000 or both.
- 3 (2) [If the official proceeding or report described in subsection (a) of this
- 4 section relates to a felonious violation of Title 5 of this article or the commission of a
- 5 crime of violence as defined in § 14-101 of this article, or a conspiracy or solicitation
- 6 to commit such a crime, a] A person who violates SUBSECTION (C) OF this section is
- $7\,$  guilty of a felony and on conviction is subject to imprisonment not exceeding  $20\,$  years.
- 8 [(d)] (E) A sentence imposed under this section may be separate from and
- 9 consecutive to or concurrent with a sentence for any crime based on the act
- 10 establishing the violation of this section.
- 11 9-305.
- 12 (a) A person may not, by threat, force, or corrupt means, try to influence,
- 13 intimidate, or impede a juror, a witness, or an officer of a court of the State or of the
- 14 United States in the performance of the person's official duties.
- 15 (b) A person may not solicit another person to, by threat, force, or corrupt
- 16 means, try to influence, intimidate, or impede a juror, a witness, or an officer of the
- 17 court of the State or of the United States in the performance of the person's official
- 18 duties.
- 19 (C) A PERSON MAY NOT VIOLATE SUBSECTION (A) OR (B) OF THIS SECTION IF
- 20 THE OFFICIAL DUTIES OF THE JUROR, WITNESS, OR OFFICER OF THE COURT RELATE
- 21 TO PROCEEDINGS FOR ONE OF THE FOLLOWING CRIMES:
- 22 (1) ASSAULT IN THE SECOND DEGREE UNDER § 3-203 OF THIS ARTICLE;
- 23 (2) SEXUAL OFFENSE IN THE THIRD DEGREE UNDER § 3-307 OF THIS
- 24 ARTICLE, OR ATTEMPTED SEXUAL OFFENSE IN THE THIRD DEGREE;
- 25 (3) CONTINUING COURSE OF CONDUCT WITH CHILD UNDER § 3-315 OF
- 26 THIS ARTICLE;
- 27 (4) INCEST UNDER § 3-323 OF THIS ARTICLE;
- 28 (5) SEXUAL SOLICITATION OF A MINOR UNDER § 3-324 OF THIS ARTICLE;
- 29 (6) CHILD KIDNAPPING UNDER § 3-503 OF THIS ARTICLE;
- 30 (7) CHILD ABUSE UNDER § 3-601 OF THIS ARTICLE;
- 31 (8) CHILD SEXUAL ABUSE UNDER § 3-602 OF THIS ARTICLE;
- 32 (9) A FELONIOUS VIOLATION OF TITLE 5 OF THIS ARTICLE, OR A
- 33 CONSPIRACY OR SOLICITATION TO COMMIT A FELONIOUS VIOLATION OF TITLE 5 OF
- 34 THIS ARTICLE; OR

- 1 (10) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THIS ARTICLE, OR 2 A CONSPIRACY OR SOLICITATION TO COMMIT A CRIME OF VIOLENCE AS DEFINED IN 3 § 14-101 OF THIS ARTICLE.
- 4 [(c)] (D) (1) [Except as provided in paragraph (2) of this subsection, a] A 5 person who violates SUBSECTION (A) OR (B) OF this section is guilty of a misdemeanor 6 and on conviction is subject to imprisonment not exceeding 5 years or a fine not 7 exceeding \$5,000 or both.
- 8 (2) [If an act described in subsection (a) of this section is taken in 9 connection with a proceeding involving a felonious violation of Title 5 of this article or
- 10 the commission of a crime of violence as defined in § 14-101 of this article, or a
- 11 conspiracy or solicitation to commit such a crime, a] A person who violates
- 12 SUBSECTION (C) OF this section is guilty of a felony and on conviction is subject to
- 13 imprisonment not exceeding 20 years.
- 14 [(d)] (E) A sentence imposed under this section may be separate from and
- 15 consecutive to or concurrent with a sentence for any crime based on the act
- 16 establishing the violation of this section.
- 17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 18 effect October 1, 2006.