
By: **Senators Lawlah, Currie, Exum, Forehand, Hooper, Jacobs, Munson,
Pinsky, Ruben, Stone, and Teitelbaum**
Introduced and read first time: February 3, 2006
Assigned to: Judicial Proceedings

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;

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) an attempt to commit any of the crimes described in items (1)
- 11 through (14) of this subsection;
- 12 (16) assault in the first degree;
- 13 (17) assault with intent to murder;
- 14 (18) assault with intent to rape;
- 15 (19) assault with intent to rob;
- 16 (20) assault with intent to commit a sexual offense in the first degree; and
- 17 (21) assault with intent to commit a sexual offense in the second degree.

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

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

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

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

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

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

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

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

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

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

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

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

15 2. for which the convictions do not arise from a single
16 incident; and

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

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

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

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

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

29 (ii) served a term of confinement in a correctional facility for that
30 conviction.

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

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

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

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

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

6 (2) The Maryland Parole Commission shall adopt regulations to
7 implement this subsection.

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