

HOUSE BILL 213

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71r1113

By: **Delegates Hecht, Barnes, Bobo, G. Clagett, Dumais, James, Jones, Kirk, Lawton, Lee, Montgomery, Pendergrass, Riley, Shank, and Waldstreicher**

Introduced and read first time: January 29, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Sexual Abuse and Crimes of Violence**

3 FOR the purpose of adding the crime of sexual abuse of a minor under a certain age by
4 an adult and the crime of a continuing course of conduct with a child to the list
5 of crimes of violence for which certain enhanced penalties are applied to certain
6 offenders; and generally relating to crimes of violence.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 14–101
10 Annotated Code of Maryland
11 (2002 Volume and 2006 Supplement)

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

14 **Article – Criminal Law**

15 14–101.

16 (a) In this section, “crime of violence” means:

17 (1) abduction;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) arson in the first degree;
- 2 (3) kidnapping;
- 3 (4) manslaughter, except involuntary manslaughter;
- 4 (5) mayhem;
- 5 (6) maiming, as previously proscribed under former Article 27, §§ 385
6 and 386 of the Code;
- 7 (7) murder;
- 8 (8) rape;
- 9 (9) robbery under § 3-402 or § 3-403 of this article;
- 10 (10) carjacking;
- 11 (11) armed carjacking;
- 12 (12) sexual offense in the first degree;
- 13 (13) sexual offense in the second degree;
- 14 (14) use of a handgun in the commission of a felony or other crime of
15 violence;
- 16 (15) child abuse in the first degree under § 3-601 of this article;
- 17 **(16) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THIS ARTICLE**
18 **IF THE VICTIM IS UNDER THE AGE OF 13 YEARS AND THE OFFENDER IS AN**
19 **ADULT AT THE TIME OF THE OFFENSE;**
- 20 [(16)] **(17)** an attempt to commit any of the crimes described in items
21 (1) through [(15)] **(16)** of this subsection;
- 22 **(18) CONTINUING COURSE OF CONDUCT WITH A CHILD UNDER §**
23 **3-315 OF THIS ARTICLE;**
- 24 [(17)] **(19)** assault in the first degree;

1 [(18)] **(20)** assault with intent to murder;

2 [(19)] **(21)** assault with intent to rape;

3 [(20)] **(22)** assault with intent to rob;

4 [(21)] **(23)** assault with intent to commit a sexual offense in the first
5 degree; and

6 [(22)] **(24)** assault with intent to commit a sexual offense in the second
7 degree.

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

9 (c) (1) Except as provided in subsection (g) of this section, on conviction
10 for a fourth time of a crime of violence, a person who has served three separate terms
11 of confinement in a correctional facility as a result of three separate convictions of any
12 crime of violence shall be sentenced to life imprisonment without the possibility of
13 parole.

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

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

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

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

23 2. for which the convictions do not arise from a single
24 incident; and

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

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

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

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

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

9 (ii) served a term of confinement in a correctional facility for
10 that conviction.

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

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

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

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

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

21 (2) The Maryland Parole Commission shall adopt regulations to
22 implement this subsection.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007.