

# HOUSE BILL 213

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By: **Delegates Hecht, Barnes, Bobo, G. Clagett, Dumais, James, Jones, Kirk, Lawton, Lee, Montgomery, Pendergrass, Riley, Shank, ~~and Waldstreicher~~ Waldstreicher, Kelly, McComas, Myers, Stifler, and Weldon**

Introduced and read first time: January 29, 2007

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

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## CHAPTER \_\_\_\_\_

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 under certain circumstances and the crime of a continuing course of  
5 conduct with a child to the list of crimes of violence for which certain enhanced  
6 penalties are applied to certain offenders; and generally relating to crimes of  
7 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 2006 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**

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 14–101.

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

3 (1) abduction;

4 (2) arson in the first degree;

5 (3) kidnapping;

6 (4) manslaughter, except involuntary manslaughter;

7 (5) mayhem;

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

10 (7) murder;

11 (8) rape;

12 (9) robbery under § 3–402 or § 3–403 of this article;

13 (10) carjacking;

14 (11) armed carjacking;

15 (12) sexual offense in the first degree;

16 (13) sexual offense in the second degree;

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

19 (15) child abuse in the first degree under § 3–601 of this article;

20 **(16) SEXUAL ABUSE OF A MINOR UNDER § 3–602 OF THIS ARTICLE**  
21 **IF:**

22 **(1) THE VICTIM IS UNDER THE AGE OF 13 YEARS AND THE**  
23 **OFFENDER IS AN ADULT AT THE TIME OF THE OFFENSE; AND**

1                                    **(II) THE OFFENSE INVOLVED:**

2                                    **1. VAGINAL INTERCOURSE, AS DEFINED IN § 3-301**  
3 **OF THIS ARTICLE;**

4                                    **2. A SEXUAL ACT, AS DEFINED IN § 3-301 OF THIS**  
5 **ARTICLE;**

6                                    **3. AN ACT IN WHICH A PART OF THE OFFENDER’S**  
7 **BODY PENETRATES, HOWEVER SLIGHTLY, INTO THE VICTIM’S GENITAL OPENING**  
8 **OR ANUS; OR**

9                                    **4. THE INTENTIONAL TOUCHING, NOT THROUGH THE**  
10 **CLOTHING, OF THE VICTIM’S OR THE OFFENDER’S GENITAL, ANAL, OR OTHER**  
11 **INTIMATE AREA FOR SEXUAL AROUSAL, GRATIFICATION, OR ABUSE;”.**

12                                    [(16)] **(17)** an attempt to commit any of the crimes described in items  
13 (1) through [(15)] **(16)** of this subsection;

14                                    **(18) CONTINUING COURSE OF CONDUCT WITH A CHILD UNDER §**  
15 **3-315 OF THIS ARTICLE;**

16                                    [(17)] **(19)** assault in the first degree;

17                                    [(18)] **(20)** assault with intent to murder;

18                                    [(19)] **(21)** assault with intent to rape;

19                                    [(20)] **(22)** assault with intent to rob;

20                                    [(21)] **(23)** assault with intent to commit a sexual offense in the first  
21 degree; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11           (2) The Maryland Parole Commission shall adopt regulations to  
12 implement this subsection.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.