

# HOUSE BILL 937

E1  
HB 706/06 – JUD

71r2154

---

By: **Delegates Shank, Hecht, Kelly, McComas, Myers, Stifler, and Weldon**  
Introduced and read first time: February 9, 2007  
Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes of Violence – Sexual Abuse of a Minor and Continuing**  
3 **Course of Conduct with a Child**

4 FOR the purpose of adding the crimes of sexual abuse of a child under a certain age  
5 and continuing course of conduct with a child to the list of crimes of violence for  
6 which certain enhanced penalties are applied to certain offenders; and generally  
7 relating to crimes of 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**

16 14–101.

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

18 (1) abduction;

19 (2) arson in the first degree;

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

- 1            ~~[(19)]~~**(21)** assault with intent to rape;
- 2            ~~[(20)]~~**(22)** assault with intent to rob;
- 3            ~~[(21)]~~**(23)** assault with intent to commit a sexual offense in the first  
4 degree; and
- 5            ~~[(22)]~~**(24)** assault with intent to commit a sexual offense in the second  
6 degree.

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

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

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

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

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

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

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

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

26           (2) The court may not suspend all or part of the mandatory 25-year  
27 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.