E1 7lr1408 CF 7lr1113

By: Senators Stone, Brochin, Colburn, Haines, Jacobs, and Mooney

Introduced and read first time: January 26, 2007

Assigned to: Judicial Proceedings

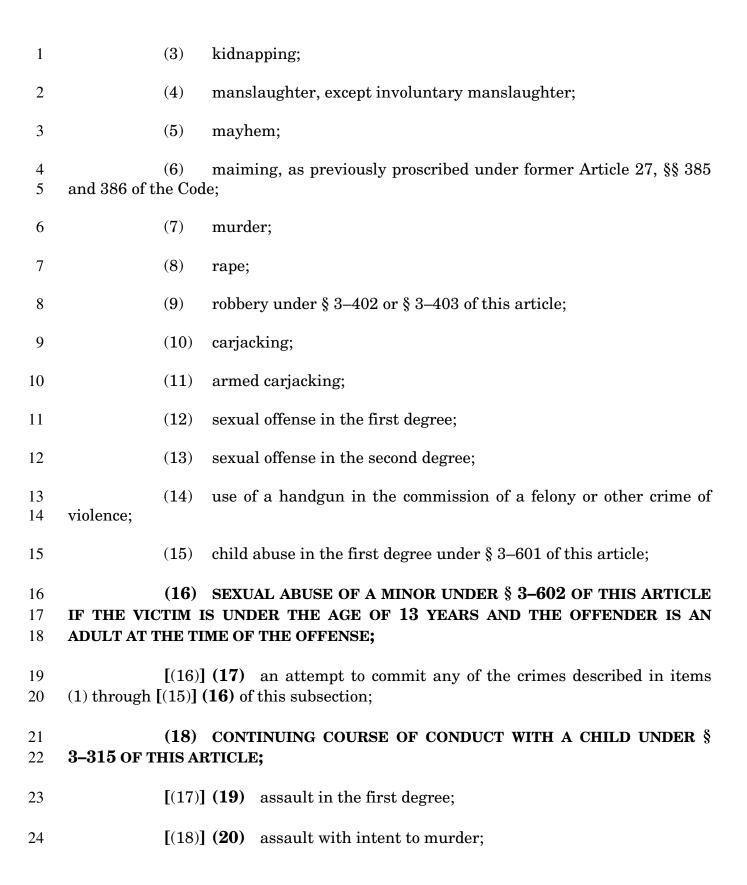
A BILL ENTITLED

AN ACT concerning 1 **Child Sexual Abuse and Crimes of Violence** 2 3 FOR the purpose of adding the crime of sexual abuse of a minor under a certain age by an adult and the crime of a continuing course of conduct with a child to the list 4 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, Article - Criminal Law 8 9 Section 14–101 Annotated Code of Maryland 10 (2002 Volume and 2006 Supplement) 11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 12 MARYLAND, That the Laws of Maryland read as follows: 13 **Article - Criminal Law** 14 14-101. 15 In this section, "crime of violence" means: 16 (a) 17 **(1)** abduction; 18 (2)arson in the first degree;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1	[(19)] (21) assault with intent to rape;
2	[(20)] (22) assault with intent to rob;
3 4	[(21)] (23) assault with intent to commit a sexual offense in the first degree; and
5 6	[(22)] (24) assault with intent to commit a sexual offense in the second degree.
7	(b) This section does not apply if a person is sentenced to death.
8 9 10 11 12	(c) (1) Except as provided in subsection (g) of this section, on conviction for a fourth time of a crime of violence, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence shall be sentenced to life imprisonment without the possibility of parole.
13 14	(2) Notwithstanding any other law, the provisions of this subsection are mandatory.
15 16 17	(d) (1) Except as provided in subsection (g) of this section, on conviction for a third time of a crime of violence, a person shall be sentenced to imprisonment for the term allowed by law but not less than 25 years, if the person:
18 19	(i) has been convicted of a crime of violence on two prior separate occasions:
20 21	1. in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion; and
22 23	2. for which the convictions do not arise from a single incident; and
24 25	(ii) has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.
26 27	(2) The court may not suspend all or part of the mandatory 25-year sentence required under this subsection.

1 2 3	(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4–305 of the Correctional Services Article.
4 5 6	(e) (1) On conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:
7 8	(i) has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and
9 10	(ii) served a term of confinement in a correctional facility for that conviction.
11 12	(2) The court may not suspend all or part of the mandatory 10-year sentence required under this subsection.
13 14 15	(f) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.
16 17	(g) (1) A person sentenced under this section may petition for and be granted parole if the person:
18	(i) is at least 65 years old; and
19 20	(ii) has served at least 15 years of the sentence imposed under this section.
21 22	(2) The Maryland Parole Commission shall adopt regulations to implement this subsection.
23 24	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.