

SENATE BILL 170

E1

7lr1408
CF HB 213

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

Introduced and read first time: January 26, 2007

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2007

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**

16 14–101.

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.



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

(1) abduction;

(2) arson in the first degree;

(3) kidnapping;

(4) manslaughter, except involuntary manslaughter;

(5) mayhem;

(6) maiming, as previously proscribed under former Article 27, §§ 385
the Code;

(7) murder;

(8) rape;

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

(10) carjacking;

(11) armed carjacking;

(12) sexual offense in the first degree;

(13) sexual offense in the second degree;

(14) use of a handgun in the commission of a felony or other crime of

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

(16) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THIS ARTICLE

IF:

(I) THE VICTIM IS UNDER THE AGE OF 13 YEARS AND THE ADULT AT THE TIME OF THE OFFENSE; AND

(II) THE OFFENSE INVOLVED:

1 **1. VAGINAL INTERCOURSE, AS DEFINED IN § 3-301**

2 **OF THIS ARTICLE;**

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

4 **ARTICLE;**

5 **3. AN ACT IN WHICH A PART OF THE OFFENDER'S**

6 **BODY PENETRATES, HOWEVER SLIGHTLY, INTO THE VICTIM'S GENITAL OPENING**

7 **OR ANUS; OR**

8 **4. THE INTENTIONAL TOUCHING, NOT THROUGH THE**

9 **CLOTHING, OF THE VICTIM'S OR THE OFFENDER'S GENITAL, ANAL, OR OTHER**

10 **INTIMATE AREA FOR SEXUAL AROUSAL, GRATIFICATION, OR ABUSE;**

11 [(16)] (17) an attempt to commit any of the crimes described in items

12 (1) through [(15)] (16) of this subsection;

13 **(18) CONTINUING COURSE OF CONDUCT WITH A CHILD UNDER §**

14 **3-315 OF THIS ARTICLE;**

15 [(17)] (19) assault in the first degree;

16 [(18)] (20) assault with intent to murder;

17 [(19)] (21) assault with intent to rape;

18 [(20)] (22) assault with intent to rob;

19 [(21)] (23) assault with intent to commit a sexual offense in the first

20 degree; and

21 [(22)] (24) assault with intent to commit a sexual offense in the second

22 degree.

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

24 (c) (1) Except as provided in subsection (g) of this section, on conviction

25 for a fourth time of a crime of violence, a person who has served three separate terms

26 of confinement in a correctional facility as a result of three separate convictions of any

27 crime of violence shall be sentenced to life imprisonment without the possibility of

28 parole.

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

10 2. for which the convictions do not arise from a single
11 incident; and

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

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

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

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

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

24 (ii) served a term of confinement in a correctional facility for
25 that conviction.

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.