

CHAPTER 524

(Senate Bill 170)

AN ACT concerning

Child Sexual Abuse and Crimes of Violence

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

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

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

Article – Criminal Law

14–101.

(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 and 386 of 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 violence;
- (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 OFFENDER IS AN ADULT AT THE TIME OF THE OFFENSE; AND

(II) THE OFFENSE INVOLVED:

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

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

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

4. THE INTENTIONAL TOUCHING, NOT THROUGH THE CLOTHING, OF THE VICTIM'S OR THE OFFENDER'S GENITAL, ANAL, OR OTHER INTIMATE AREA FOR SEXUAL AROUSAL, GRATIFICATION, OR ABUSE;

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

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

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

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

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

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

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

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

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

(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.

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

(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:

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

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

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

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

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

(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.

(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:

(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

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

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

(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.

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

(i) is at least 65 years old; and

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

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

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

Approved by the Governor, May 17, 2007.