

HOUSE BILL 873

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8lr0473

By: **Delegates Kramer, Barkley, Conaway, Dwyer, Frank, Heller, Ivey, Kaiser, Kelly, Krebs, Manno, McComas, Montgomery, Myers, Shank, Valderrama, Waldstreicher, and Weldon**

Introduced and read first time: February 6, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes Against the Elderly or Persons with a Disability –**
3 **Penalties**

4 FOR the purpose of prohibiting a person from committing certain offenses against a
5 person who is at least a certain age or a person with a certain disability;
6 establishing a certain penalty; providing that a conviction under this Act does
7 not merge with a conviction for a certain underlying offense; providing that a
8 sentence imposed for a violation of this Act is to be consecutive to and not
9 concurrent with any other sentence imposed for certain crimes; and generally
10 relating to crimes against the elderly or persons with a disability.

11 BY adding to

12 Article – Criminal Law

13 Section 10–801 to be under the new subtitle “Subtitle 8. Crimes Against the
14 Elderly or Persons with a Disability”

15 Annotated Code of Maryland

16 (2002 Volume and 2007 Supplement)

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

19 **Article – Criminal Law**

20 **SUBTITLE 8. CRIMES AGAINST THE ELDERLY OR PERSONS WITH A DISABILITY.**

21 **10–801.**

22 (A) IN THIS SECTION, “PERSON WITH A DISABILITY” MEANS A PERSON
23 WHO BY REASON OF A PREEXISTING MEDICALLY DETERMINABLE PHYSICAL OR

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 MENTAL IMPAIRMENT IS SUBSTANTIALLY INCAPABLE OF EXERCISING NORMAL
2 PHYSICAL OR MENTAL POWER OF RESISTANCE, AND INCLUDES A PERSON
3 DETERMINED DISABLED IN ACCORDANCE WITH THE FEDERAL SOCIAL
4 SECURITY ACT OR ANOTHER GOVERNMENTAL RETIREMENT OR BENEFITS
5 PROGRAM THAT USES SUBSTANTIALLY THE SAME CRITERIA FOR DETERMINING
6 ELIGIBILITY.

7 (B) A PERSON MAY NOT COMMIT A VIOLATION OF ANY OF THE
8 FOLLOWING OFFENSES AGAINST A PERSON AT LEAST 65 YEARS OLD OR A
9 PERSON WITH A DISABILITY:

- 10 (1) MANSLAUGHTER;
- 11 (2) RAPE IN THE SECOND DEGREE;
- 12 (3) ATTEMPTED RAPE IN THE SECOND DEGREE;
- 13 (4) SEXUAL OFFENSE IN THE SECOND DEGREE;
- 14 (5) ATTEMPTED SEXUAL OFFENSE IN THE SECOND DEGREE;
- 15 (6) ASSAULT IN THE FIRST DEGREE;
- 16 (7) ASSAULT IN THE SECOND DEGREE;
- 17 (8) SEXUAL OFFENSE IN THE THIRD DEGREE;
- 18 (9) SEXUAL OFFENSE IN THE FOURTH DEGREE;
- 19 (10) SODOMY;
- 20 (11) ROBBERY UNDER § 3-402 OR § 3-403 OF THIS ARTICLE;
- 21 (12) CARJACKING;
- 22 (13) EXTORTION UNDER § 3-701, § 3-702, § 3-703, § 3-704, §
23 3-705, § 3-706, OR § 3-707 OF THIS ARTICLE;
- 24 (14) THEFT UNDER § 7-104 OF THIS ARTICLE;
- 25 (15) A CREDIT CARD OFFENSE UNDER § 8-203, § 8-204, § 8-206,
26 OR § 8-209 OF THIS ARTICLE; AND
- 27 (16) IDENTITY FRAUD.

1 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
2 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
3 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

4 **(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A**
5 **CONVICTION UNDER THIS SECTION DOES NOT MERGE WITH A CONVICTION FOR**
6 **THE UNDERLYING OFFENSE ON WHICH THE VIOLATION OF THIS SECTION IS**
7 **BASED.**

8 **(2) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE**
9 **CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED**
10 **FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS**
11 **SECTION.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2008.