

HOUSE BILL 258

E1

9lr1635
CF 9lr1638

By: **Delegates Simmons, Waldstreicher, Dumais, Kramer, and Lee**

Introduced and read first time: January 29, 2009

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 17, 2009

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Committing a Crime of Violence in the Presence of a Minor**
3 **– Penalties**

4 FOR the purpose of prohibiting a person from committing a certain crime of violence
5 while knowingly in the presence of a minor under a certain age who witnesses
6 the crime in a residence; establishing certain penalties for a violation of this
7 Act; establishing that a sentence under this Act is separate from and
8 consecutive to a sentence for a crime based on the act establishing a violation of
9 this Act; providing that a person who violates this Act is guilty of the abuse of a
10 child under 18 years for certain purposes; and generally relating to the
11 commission of crimes of violence in the presence of minors.

12 BY repealing and reenacting, without amendments,
13 Article – Courts and Judicial Proceedings
14 Section 9–106(a)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2008 Supplement)

17 BY adding to
18 Article – Criminal Law
19 Section 3–601.1
20 Annotated Code of Maryland
21 (2002 Volume and 2008 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Public Safety

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.



1 Section 5–101(a) and (c)
2 Annotated Code of Maryland
3 (2003 Volume and 2008 Supplement)

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

6 **Article – Courts and Judicial Proceedings**

7 9–106.

8 (a) The spouse of a person on trial for a crime may not be compelled to testify
9 as an adverse witness unless the charge involves:

10 (1) The abuse of a child under 18; or

11 (2) Assault in any degree in which the spouse is a victim if:

12 (i) The person on trial was previously charged with assault in
13 any degree or assault and battery of the spouse;

14 (ii) The spouse was sworn to testify at the previous trial; and

15 (iii) The spouse refused to testify at the previous trial on the
16 basis of the provisions of this section.

17 **Article – Criminal Law**

18 **3–601.1.**

19 (A) **A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS DEFINED IN**
20 **§ 5–101 OF THE PUBLIC SAFETY ARTICLE WHILE KNOWINGLY IN THE PRESENCE**
21 **OF A MINOR UNDER THE AGE OF 18 YEARS WHO WITNESSES THE CRIME IN A**
22 **RESIDENCE.**

23 (B) **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
24 **MISDEMEANOR AND ON CONVICTION, IN ADDITION TO ANY OTHER SENTENCE**
25 **IMPOSED FOR THE CRIME OF VIOLENCE, IS SUBJECT TO IMPRISONMENT NOT**
26 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

27 (C) **A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE**
28 **FROM AND CONSECUTIVE TO A SENTENCE FOR A CRIME BASED ON THE ACT**
29 **ESTABLISHING THE VIOLATION OF THIS SECTION.**

1 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE ABUSE**
 2 **OF A CHILD UNDER 18 YEARS FOR PURPOSES OF § 9-106 OF THE COURTS**
 3 **ARTICLE.**

4 **Article – Public Safety**

5 5-101.

6 (a) In this subtitle the following words have the meanings indicated.

7 (c) “Crime of violence” means:

8 (1) abduction;

9 (2) arson in the first degree;

10 (3) assault in the first or second degree;

11 (4) burglary in the first, second, or third degree;

12 (5) carjacking and armed carjacking;

13 (6) escape in the first degree;

14 (7) kidnapping;

15 (8) voluntary manslaughter;

16 (9) maiming as previously proscribed under former Article 27, § 386 of
17 the Code;

18 (10) mayhem as previously proscribed under former Article 27, § 384 of
19 the Code;

20 (11) murder in the first or second degree;

21 (12) rape in the first or second degree;

22 (13) robbery;

23 (14) robbery with a dangerous weapon;

24 (15) sexual offense in the first, second, or third degree;

25 (16) an attempt to commit any of the crimes listed in items (1) through
26 (15) of this subsection; or

HOUSE BILL 258

1 (17) assault with intent to commit any of the crimes listed in items (1)
2 through (15) of this subsection or a crime punishable by imprisonment for more than 1
3 year.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.