

# HOUSE BILL 563

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By: **Delegates Kramer, Barkley, Heller, Kelly, Manno, McComas, Ramirez, Reznik, Rice, Shank, Smigiel, and Valderrama**  
Introduced and read first time: February 6, 2009  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes of Violence Against the Elderly or Persons with a**  
3 **Disability – 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 of violence against the elderly or persons with a disability.

11 BY adding to  
12 Article – Criminal Law  
13 Section 10–801 and 10–802 to be under the new subtitle “Subtitle 8. Crimes of  
14 Violence Against the Elderly or Persons with a Disability”  
15 Annotated Code of Maryland  
16 (2002 Volume and 2008 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article – Criminal Law  
19 Section 14–101(a)  
20 Annotated Code of Maryland  
21 (2002 Volume and 2008 Supplement)

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

24 **Article – Criminal Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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

**10-801.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
INDICATED.

(B) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN §  
14-101(A) OF THIS ARTICLE.

(C) (1) "PERSON WITH A DISABILITY" MEANS A PERSON WHO BY  
REASON OF A PREEXISTING MEDICALLY DETERMINABLE PHYSICAL OR MENTAL  
IMPAIRMENT IS SUBSTANTIALLY INCAPABLE OF EXERCISING NORMAL PHYSICAL  
OR MENTAL POWER OF RESISTANCE.

(2) "PERSON WITH A DISABILITY" INCLUDES A PERSON  
DETERMINED DISABLED IN ACCORDANCE WITH THE FEDERAL SOCIAL  
SECURITY ACT OR ANOTHER GOVERNMENTAL RETIREMENT OR BENEFITS  
PROGRAM THAT USES SUBSTANTIALLY THE SAME CRITERIA FOR DETERMINING  
ELIGIBILITY.

**10-802.**

(A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AGAINST A  
PERSON AT LEAST 68 YEARS OLD OR A PERSON WITH A DISABILITY.

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

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

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

**14-101.**

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

- 1 (1) abduction;
- 2 (2) arson in the first degree;
- 3 (3) kidnapping;
- 4 (4) manslaughter, except involuntary manslaughter;
- 5 (5) mayhem;
- 6 (6) maiming, as previously proscribed under former Article 27, §§ 385  
7 and 386 of the Code;
- 8 (7) murder;
- 9 (8) rape;
- 10 (9) robbery under § 3–402 or § 3–403 of this article;
- 11 (10) carjacking;
- 12 (11) armed carjacking;
- 13 (12) sexual offense in the first degree;
- 14 (13) sexual offense in the second degree;
- 15 (14) use of a handgun in the commission of a felony or other crime of  
16 violence;
- 17 (15) child abuse in the first degree under § 3–601 of this article;
- 18 (16) sexual abuse of a minor under § 3–602 of this article if:
  - 19 (i) the victim is under the age of 13 years and the offender is an  
20 adult at the time of the offense; and
  - 21 (ii) the offense involved:
    - 22 1. vaginal intercourse, as defined in § 3–301 of this  
23 article;
    - 24 2. a sexual act, as defined in § 3–301 of this article;
    - 25 3. an act in which a part of the offender's body  
26 penetrates, however slightly, into the victim's genital opening or anus; or

1                                   4.     the intentional touching, not through the clothing, of  
2 the victim's or the offender's genital, anal, or other intimate area for sexual arousal,  
3 gratification, or abuse;

4                   (17)   an attempt to commit any of the crimes described in items (1)  
5 through (16) of this subsection;

6                   (18)   continuing course of conduct with a child under § 3-315 of this  
7 article;

8                   (19)   assault in the first degree;

9                   (20)   assault with intent to murder;

10                  (21)   assault with intent to rape;

11                  (22)   assault with intent to rob;

12                  (23)   assault with intent to commit a sexual offense in the first degree;  
13 and

14                  (24)   assault with intent to commit a sexual offense in the second  
15 degree.

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