

HOUSE BILL 1485

E2

9lr3337

By: **Delegate Conaway**

Introduced and read first time: March 2, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Suspension of Sentence – Victim 35 Years Older Than**
3 **Defendant**

4 FOR the purpose of prohibiting a court from suspending the imposition or execution of
5 a sentence imposed on a defendant for a certain crime of violence involving a
6 victim who is at least a certain number of years older than the defendant; and
7 generally relating to the suspension of sentences.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 14–101(a)
11 Annotated Code of Maryland
12 (2002 Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 6–221
16 Annotated Code of Maryland
17 (2008 Replacement Volume)

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

20 **Article – Criminal Law**

21 14–101.

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

23 (1) abduction;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) arson in the first degree;
- 2 (3) kidnapping;
- 3 (4) manslaughter, except involuntary manslaughter;
- 4 (5) mayhem;
- 5 (6) maiming, as previously proscribed under former Article 27, §§ 385
6 and 386 of the Code;
- 7 (7) murder;
- 8 (8) rape;
- 9 (9) robbery under § 3-402 or § 3-403 of this article;
- 10 (10) carjacking;
- 11 (11) armed carjacking;
- 12 (12) sexual offense in the first degree;
- 13 (13) sexual offense in the second degree;
- 14 (14) use of a handgun in the commission of a felony or other crime of
15 violence;
- 16 (15) child abuse in the first degree under § 3-601 of this article;
- 17 (16) sexual abuse of a minor under § 3-602 of this article if:
 - 18 (i) the victim is under the age of 13 years and the offender is an
19 adult at the time of the offense; and
 - 20 (ii) the offense involved:
 - 21 1. vaginal intercourse, as defined in § 3-301 of this
22 article;
 - 23 2. a sexual act, as defined in § 3-301 of this article;
 - 24 3. an act in which a part of the offender's body
25 penetrates, however slightly, into the victim's genital opening or anus; or
 - 26 4. the intentional touching, not through the clothing, of
27 the victim's or the offender's genital, anal, or other intimate area for sexual arousal,
28 gratification, or abuse;

- 1 (17) an attempt to commit any of the crimes described in items (1)
2 through (16) of this subsection;
- 3 (18) continuing course of conduct with a child under § 3–315 of this
4 article;
- 5 (19) assault in the first degree;
- 6 (20) assault with intent to murder;
- 7 (21) assault with intent to rape;
- 8 (22) assault with intent to rob;
- 9 (23) assault with intent to commit a sexual offense in the first degree;
10 and
- 11 (24) assault with intent to commit a sexual offense in the second
12 degree.

13 Article – Criminal Procedure

14 6–221.

15 (A) [On] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
16 **ON** entering a judgment of conviction, the court may suspend the imposition or
17 execution of sentence and place the defendant on probation on the conditions that the
18 court considers proper.

19 (B) **THE COURT MAY NOT SUSPEND THE IMPOSITION OR EXECUTION OF**
20 **ANY PART OF A SENTENCE IMPOSED ON A DEFENDANT FOR A CRIME OF**
21 **VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE,**
22 **INVOLVING A VICTIM WHO IS AT LEAST 35 YEARS OLDER THAN THE DEFENDANT.**

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