

# HOUSE BILL 650

E1  
HB 258/09 – JUD

0lr1763

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By: **Delegates Simmons and Lee**  
Introduced and read first time: February 3, 2010  
Assigned to: Judiciary

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## A BILL ENTITLED

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 for certain purposes; and generally relating to the commission of  
11 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 2009 Supplement)

17 BY adding to  
18 Article – Criminal Law  
19 Section 3–601.1  
20 Annotated Code of Maryland  
21 (2002 Volume and 2009 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Public Safety  
24 Section 5–101(a) and (c)  
25 Annotated Code of Maryland  
26 (2003 Volume and 2009 Supplement)

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



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

3 **Article – Courts and Judicial Proceedings**

4 9–106.

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

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

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

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

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

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

14 **Article – Criminal Law**

15 **3–601.1.**

16 (A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS DEFINED IN  
17 § 5–101 OF THE PUBLIC SAFETY ARTICLE WHILE KNOWINGLY IN THE PRESENCE  
18 OF A MINOR UNDER THE AGE OF 18 WHO WITNESSES THE CRIME IN A  
19 RESIDENCE.

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

24 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE  
25 FROM AND CONSECUTIVE TO A SENTENCE FOR A CRIME BASED ON THE ACT  
26 ESTABLISHING THE VIOLATION OF THIS SECTION.

27 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE ABUSE  
28 OF A CHILD UNDER 18 FOR PURPOSES OF § 9–106 OF THE COURTS ARTICLE.

29 **Article – Public Safety**

30 5–101.

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

2 (c) "Crime of violence" means:

3 (1) abduction;

4 (2) arson in the first degree;

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

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

7 (5) carjacking and armed carjacking;

8 (6) escape in the first degree;

9 (7) kidnapping;

10 (8) voluntary manslaughter;

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

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

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

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

17 (13) robbery;

18 (14) robbery with a dangerous weapon;

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2010.