

HOUSE BILL 664

E1
HB 663/11 – JUD

2lr1929

By: **Delegates Simmons, Dumais, K. Kelly, Kramer, and Krebs**

Introduced and read first time: February 8, 2012

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2012

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 when the person knows or reasonably should know that a minor is present;
6 establishing certain circumstances under which a minor is present in a
7 residence; establishing certain penalties for a violation of this Act; establishing
8 that a sentence under this Act is separate from and consecutive to a sentence
9 for a crime based on the act establishing a violation of this Act; providing that a
10 person who violates this Act is guilty of the abuse of a child under 18 for certain
11 purposes; and generally relating to the commission of crimes of violence in the
12 presence of minors.

13 BY repealing and reenacting, without amendments,
14 Article – Courts and Judicial Proceedings
15 Section 9–106(a)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2011 Supplement)

18 BY adding to
19 Article – Criminal Law
20 Section 3–601.1
21 Annotated Code of Maryland
22 (2002 Volume and 2011 Supplement)

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 BY repealing and reenacting, without amendments,
2 Article – Public Safety
3 Section 5–101(a) and (c)
4 Annotated Code of Maryland
5 (2011 Replacement Volume)

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

8 **Article – Courts and Judicial Proceedings**

9 9–106.

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

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

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

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

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

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

19 **Article – Criminal Law**

20 **3–601.1.**

21 (A) (1) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS
22 DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE WHEN THE PERSON
23 KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR IS PRESENT IN A
24 RESIDENCE.

25 (2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION,
26 A MINOR IS PRESENT IF THE MINOR IS WITHIN SIGHT OR HEARING OF THE
27 CRIME OF VIOLENCE.

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.