

HOUSE BILL 1143

E1

2lr1005

By: **Delegates Lee, Arora, Barve, Cane, Carr, Cullison, DeBoy, Frick, Glenn, Healey, Ivey, Jameson, A. Kelly, McDonough, A. Miller, B. Robinson, S. Robinson, Stocksdale, and Valderrama**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Home Invasion Violent Crime and Armed Home Invasion**
3 **Violent Crime**

4 FOR the purpose of prohibiting a person from breaking and entering the dwelling of
5 another and committing a violent crime against a certain victim; prohibiting a
6 person from employing or displaying a dangerous weapon during the
7 commission of a home invasion violent crime; establishing certain criminal
8 penalties; authorizing a sentence imposed under this Act to be separate from
9 and consecutive to a sentence for any other crime that arises from the conduct
10 underlying the home invasion violent crime or armed home invasion violent
11 crime; defining a certain term; altering a certain definition; and generally
12 relating to the prohibition of home invasion violent crimes.

13 BY adding to

14 Article – Criminal Law
15 Section 3–1001 to be under the new subtitle “Subtitle 10. Home Invasion
16 Violent Crime”
17 Annotated Code of Maryland
18 (2002 Volume and 2011 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Criminal Law
21 Section 14–101(a)
22 Annotated Code of Maryland
23 (2002 Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Criminal Law

2

SUBTITLE 10. HOME INVASION VIOLENT CRIME.

3

3-1001.

4

(A) IN THIS SECTION, “VIOLENT CRIME” MEANS:

5

(1) ABDUCTION;

6

(2) ARSON IN THE FIRST DEGREE;

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(3) KIDNAPPING;

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(4) MANSLAUGHTER, EXCEPT INVOLUNTARY MANSLAUGHTER;

9

(5) MAYHEM;

10

11

(6) MAIMING, AS PREVIOUSLY PROSCRIBED UNDER FORMER ARTICLE 27, §§ 385 AND 386 OF THE CODE;

12

(7) MURDER;

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(8) RAPE;

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(9) ROBBERY UNDER § 3-402 OR § 3-403 OF THIS TITLE;

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(10) CARJACKING;

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(11) ARMED CARJACKING;

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(12) SEXUAL OFFENSE IN THE FIRST DEGREE;

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(13) SEXUAL OFFENSE IN THE SECOND DEGREE;

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20

(14) USE OF A HANDGUN IN THE COMMISSION OF A FELONY OR OTHER CRIME OF VIOLENCE;

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22

(15) CHILD ABUSE IN THE FIRST DEGREE UNDER § 3-601 OF THIS TITLE;

23

(16) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THIS TITLE IF:

1 **(I) THE VICTIM IS UNDER THE AGE OF 13 YEARS AND THE**
2 **OFFENDER IS AN ADULT AT THE TIME OF THE OFFENSE; AND**

3 **(II) THE OFFENSE INVOLVED:**

4 1. **VAGINAL INTERCOURSE, AS DEFINED IN § 3-301**
5 **OF THIS TITLE;**

6 2. **A SEXUAL ACT, AS DEFINED IN § 3-301 OF THIS**
7 **TITLE;**

8 3. **AN ACT IN WHICH A PART OF THE OFFENDER'S**
9 **BODY PENETRATES, HOWEVER SLIGHTLY, INTO THE VICTIM'S GENITAL OPENING**
10 **OR ANUS; OR**

11 4. **THE INTENTIONAL TOUCHING, NOT THROUGH THE**
12 **CLOTHING, OF THE VICTIM'S OR THE OFFENDER'S GENITAL, ANAL, OR OTHER**
13 **INTIMATE AREA FOR SEXUAL AROUSAL, GRATIFICATION, OR ABUSE;**

14 **(17) AN ATTEMPT TO COMMIT ANY OF THE CRIMES DESCRIBED IN**
15 **ITEMS (1) THROUGH (16) OF THIS SUBSECTION;**

16 **(18) CONTINUING COURSE OF CONDUCT WITH A CHILD UNDER**
17 **§ 3-315 OF THIS TITLE;**

18 **(19) ASSAULT IN THE FIRST DEGREE;**

19 **(20) ASSAULT WITH INTENT TO MURDER;**

20 **(21) ASSAULT WITH INTENT TO RAPE;**

21 **(22) ASSAULT WITH INTENT TO ROB;**

22 **(23) ASSAULT WITH INTENT TO COMMIT A SEXUAL OFFENSE IN THE**
23 **FIRST DEGREE; AND**

24 **(24) ASSAULT WITH INTENT TO COMMIT A SEXUAL OFFENSE IN THE**
25 **SECOND DEGREE.**

26 **(B) (1) A PERSON MAY NOT BREAK AND ENTER THE DWELLING OF**
27 **ANOTHER AND COMMIT A VIOLENT CRIME AGAINST A VICTIM WHO IS A LAWFUL**
28 **OCCUPANT OF THE DWELLING.**

- 1 (13) sexual offense in the second degree;
- 2 (14) use of a handgun in the commission of a felony or other crime of
3 violence;
- 4 (15) child abuse in the first degree under § 3–601 of this article;
- 5 (16) sexual abuse of a minor under § 3–602 of this article if:
- 6 (i) the victim is under the age of 13 years and the offender is an
7 adult at the time of the offense; and
- 8 (ii) the offense involved:
- 9 1. vaginal intercourse, as defined in § 3–301 of this
10 article;
- 11 2. a sexual act, as defined in § 3–301 of this article;
- 12 3. an act in which a part of the offender’s body
13 penetrates, however slightly, into the victim’s genital opening or anus; or
- 14 4. the intentional touching, not through the clothing, of
15 the victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
16 gratification, or abuse;
- 17 (17) an attempt to commit any of the crimes described in items (1)
18 through (16) of this subsection;
- 19 (18) continuing course of conduct with a child under § 3–315 of this
20 article;
- 21 (19) assault in the first degree;
- 22 (20) assault with intent to murder;
- 23 (21) assault with intent to rape;
- 24 (22) assault with intent to rob;
- 25 **(23) HOME INVASION VIOLENT CRIME UNDER § 3–1001 OF THIS**
26 **ARTICLE;**
- 27 **(24) ARMED HOME INVASION VIOLENT CRIME UNDER § 3–1001 OF**
28 **THIS ARTICLE;**

1 [(23)] **(25)** assault with intent to commit a sexual offense in the first
2 degree; and

3 [(24)] **(26)** assault with intent to commit a sexual offense in the second
4 degree.

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