

HOUSE BILL 807

E1
HB 940/13 – JUD

4r1101
CF SB 742

By: Delegates Lee, Clippinger, Cullison, DeBoy, Gutierrez, Healey, Howard,
A. Kelly, McComas, McDonough, McMillan, B. Robinson, S. Robinson,
and Stocksdale

Introduced and read first time: February 3, 2014
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 10, 2014

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Burglary in the First Degree – Home Invasion ~~and Armed~~**
3 **Home Invasion**

4 FOR the purpose of ~~prohibiting a person from breaking and entering the dwelling of~~
5 ~~another and committing a crime of violence against a person in the dwelling;~~
6 ~~prohibiting a person from employing or displaying a dangerous weapon during~~
7 ~~the commission of a home invasion; establishing a unit of prosecution for a~~
8 ~~certain violation; establishing certain criminal penalties; authorizing a sentence~~
9 ~~imposed under this Act to be separate from and consecutive to a sentence for~~
10 ~~any other crime that arises from the conduct underlying the home invasion or~~
11 ~~armed home invasion; defining certain terms; altering a certain definition;~~
12 increasing the maximum penalty of imprisonment for breaking and entering the
13 dwelling of another with the intent to commit a crime of violence; designating a
14 certain offense to be the felony of home invasion; and generally relating to ~~the~~
15 prohibition against home invasion home invasion.

16 ~~BY adding to~~
17 ~~Article Criminal Law~~
18 ~~Section 3-1001 and 3-1002 to be under the new subtitle “Subtitle 10. Home~~
19 ~~Invasion”~~
20 ~~Annotated Code of Maryland~~
21 ~~(2012 Replacement Volume and 2013 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, with amendments,
2 Article – Criminal Law
3 Section ~~14-101(a)~~ 6-202
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2013 Supplement)

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

8 **Article – Criminal Law**

9 **~~SUBTITLE 10. HOME INVASION.~~**

10 **~~§ 1001.~~**

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

13 ~~(B) “BREAK” RETAINS ITS JUDICIALLY DETERMINED MEANING EXCEPT~~
14 ~~TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY CHANGED IN~~
15 ~~THIS SUBTITLE.~~

16 ~~(C) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14-101 OF~~
17 ~~THIS ARTICLE.~~

18 ~~(D) “DWELLING” RETAINS ITS JUDICIALLY DETERMINED MEANING~~
19 ~~EXCEPT TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY~~
20 ~~CHANGED IN THIS SUBTITLE.~~

21 ~~(E) “ENTER” RETAINS ITS JUDICIALLY DETERMINED MEANING EXCEPT~~
22 ~~TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY CHANGED IN~~
23 ~~THIS SUBTITLE.~~

24 **~~§ 1002.~~**

25 ~~(A) A PERSON MAY NOT:~~

26 ~~(1) BREAK AND ENTER THE DWELLING OF ANOTHER IF THE~~
27 ~~PERSON KNOWS OR HAS REASON TO KNOW THAT ONE OR MORE OTHER PERSONS~~
28 ~~ARE PRESENT IN THE DWELLING; AND~~

29 ~~(2) COMMIT A CRIME OF VIOLENCE AGAINST A PERSON IN THE~~
30 ~~DWELLING.~~

1 ~~(B) A PERSON MAY NOT EMPLOY OR DISPLAY A DANGEROUS WEAPON~~
2 ~~DURING THE COMMISSION OF A HOME INVASION UNDER SUBSECTION (A) OF~~
3 ~~THIS SECTION.~~

4 ~~(C) THE UNIT OF PROSECUTION FOR A VIOLATION OF THIS SECTION IS~~
5 ~~BASED ON THE NUMBER OF PERSONS IN THE DWELLING AT THE TIME OF THE~~
6 ~~HOME INVASION.~~

7 ~~(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY~~
8 ~~AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.~~

9 ~~(E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE~~
10 ~~FROM AND CONSECUTIVE TO A SENTENCE FOR ANY OTHER CRIME THAT ARISES~~
11 ~~FROM THE CONDUCT UNDERLYING THE HOME INVASION VIOLENT CRIME OR~~
12 ~~ARMED HOME INVASION VIOLENT CRIME.~~

13 ~~14-101.~~

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

- 15 (1) abduction;
- 16 (2) arson in the first degree;
- 17 (3) kidnapping;
- 18 (4) manslaughter, except involuntary manslaughter;
- 19 (5) mayhem;
- 20 (6) maiming, as previously proscribed under former Article 27, §§ 385
21 and 386 of the Code;
- 22 (7) murder;
- 23 (8) rape;
- 24 (9) robbery under § 3-402 or § 3-403 of this article;
- 25 (10) carjacking;
- 26 (11) armed carjacking;
- 27 (12) sexual offense in the first degree;
- 28 (13) sexual offense in the second degree;

1 ~~(14) use of a handgun in the commission of a felony or other crime of~~
2 ~~violence;~~

3 ~~(15) child abuse in the first degree under § 3-601 of this article;~~

4 ~~(16) sexual abuse of a minor under § 3-602 of this article if:~~

5 ~~(i) the victim is under the age of 13 years and the offender is an~~
6 ~~adult at the time of the offense; and~~

7 ~~(ii) the offense involved:~~

8 ~~1. vaginal intercourse, as defined in § 3-301 of this~~
9 ~~article;~~

10 ~~2. a sexual act, as defined in § 3-301 of this article;~~

11 ~~3. an act in which a part of the offender's body~~
12 ~~penetrates, however slightly, into the victim's genital opening or anus; or~~

13 ~~4. the intentional touching, not through the clothing, of~~
14 ~~the victim's or the offender's genital, anal, or other intimate area for sexual arousal,~~
15 ~~gratification, or abuse;~~

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

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

20 ~~(19) assault in the first degree;~~

21 ~~(20) assault with intent to murder;~~

22 ~~(21) assault with intent to rape;~~

23 ~~(22) assault with intent to rob;~~

24 ~~(23) HOME INVASION UNDER § 3-1002(A) OF THIS ARTICLE;~~

25 ~~(24) ARMED HOME INVASION UNDER § 3-1002(B) OF THIS~~
26 ~~ARTICLE;~~

27 ~~[(23)] (25) assault with intent to commit a sexual offense in the first~~
28 ~~degree; and~~

1 ~~[(24)] (26) assault with intent to commit a sexual offense in the second~~
2 ~~degree.~~

3 6-202.

4 (a) A person may not break and enter the dwelling of another with the intent
5 to commit theft [or a crime of violence].

6 (B) A PERSON MAY NOT BREAK AND ENTER THE DWELLING OF
7 ANOTHER WITH THE INTENT TO COMMIT A CRIME OF VIOLENCE.

8 [(b)](C) A person who violates SUBSECTION (A) OF this section is guilty of
9 the felony of burglary in the first degree and on conviction is subject to imprisonment
10 not exceeding 20 years.

11 (D) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS
12 GUILTY OF THE FELONY OF HOME INVASION AND ON CONVICTION IS SUBJECT
13 TO IMPRISONMENT NOT EXCEEDING 25 YEARS.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.