

HOUSE BILL 906

E1

7lr2728

By: **Delegates Malone, Aumann, Folden, Gutierrez, S. Howard, Jacobs, Krebs,
McComas, W. Miller, Parrott, Saab, and B. Wilson**

Introduced and read first time: February 6, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crime of Violence – Home Invasion**

3 FOR the purpose of classifying the offense of home invasion as a crime of violence under a
4 certain provision of law; and generally relating to crimes of violence.

5 BY repealing and reenacting, with amendments,
6 Article – Criminal Law
7 Section 14–101(a)
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2016 Supplement)

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

12 **Article – Criminal Law**

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;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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- 1 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
2 386 of the Code;
- 3 (7) murder;
- 4 (8) rape;
- 5 (9) robbery under § 3–402 or § 3–403 of this article;
- 6 (10) carjacking;
- 7 (11) armed carjacking;
- 8 (12) sexual offense in the first degree;
- 9 (13) sexual offense in the second degree;
- 10 (14) use of a handgun in the commission of a felony or other crime of
11 violence;
- 12 (15) child abuse in the first degree under § 3–601 of this article;
- 13 (16) sexual abuse of a minor under § 3–602 of this article if:
- 14 (i) the victim is under the age of 13 years and the offender is an
15 adult at the time of the offense; and
- 16 (ii) the offense involved:
- 17 1. vaginal intercourse, as defined in § 3–301 of this article;
- 18 2. a sexual act, as defined in § 3–301 of this article;
- 19 3. an act in which a part of the offender’s body penetrates,
20 however slightly, into the victim’s genital opening or anus; or
- 21 4. the intentional touching, not through the clothing, of the
22 victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
23 gratification, or abuse;
- 24 **(17) HOME INVASION UNDER § 6–202(B) OF THIS ARTICLE;**
- 25 **[(17)] (18)** an attempt to commit any of the crimes described in items (1)
26 through **[(16)] (17)** of this subsection;
- 27 **[(18)] (19)** continuing course of conduct with a child under § 3–315 of this
28 article;

- 1 ~~[(19)]~~ **(20)** assault in the first degree;
- 2 ~~[(20)]~~ **(21)** assault with intent to murder;
- 3 ~~[(21)]~~ **(22)** assault with intent to rape;
- 4 ~~[(22)]~~ **(23)** assault with intent to rob;
- 5 ~~[(23)]~~ **(24)** assault with intent to commit a sexual offense in the first degree;
- 6 and
- 7 ~~[(24)]~~ **(25)** assault with intent to commit a sexual offense in the second
- 8 degree.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2017.