

# HOUSE BILL 1220

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7lr0786

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By: **Prince George's County Delegation**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Commission of Crime of Violence in Presence of Minor**

3 **PG 313–17**

4 FOR the purpose of prohibiting a person in Prince George's County from committing a  
5 certain crime of violence when the person knows or reasonably should know that a  
6 minor is present in a residence; establishing certain circumstances under which a  
7 minor is present; providing certain penalties; providing that a sentence imposed  
8 under this Act shall be separate from and consecutive to a sentence for any crime  
9 based on the act establishing the violation of this Act; altering the definition of  
10 "neglect" in certain provisions of law governing the reporting and investigation of  
11 suspected child abuse or neglect; and generally relating to the commission of a crime  
12 of violence in the presence of a minor.

13 BY repealing and reenacting, without amendments,  
14 Article – Criminal Law  
15 Section 3–601.1  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2016 Supplement)

18 BY adding to  
19 Article – Criminal Law  
20 Section 3–601.2  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume and 2016 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Family Law  
25 Section 5–701(s)  
26 Annotated Code of Maryland  
27 (2012 Replacement Volume and 2016 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Family Law  
3 Section 5–704  
4 Annotated Code of Maryland  
5 (2012 Replacement Volume and 2016 Supplement)

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

8 **Article – Criminal Law**

9 **3–601.1.**

10 (a) (1) A person may not commit a crime of violence as defined in § 5–101 of  
11 the Public Safety Article when the person knows or reasonably should know that a minor  
12 who is at least 2 years old is present in a residence.

13 (2) For the purposes of paragraph (1) of this subsection, a minor is present  
14 if the minor is within sight or hearing of the crime of violence.

15 (b) A person who violates this section is subject to imprisonment not exceeding 5  
16 years in addition to any other sentence imposed for the crime of violence.

17 (c) A court may impose an enhanced penalty under subsection (b) of this section  
18 if:

19 (1) at least 30 days before trial in the circuit court, and 15 days before trial  
20 in the District Court, the State’s Attorney notifies the defendant in writing of the State’s  
21 intention to seek the enhanced penalty; and

22 (2) the elements of subsection (a)(1) of this section have been proven  
23 beyond a reasonable doubt.

24 (d) If the defendant is charged by indictment or criminal information, the State  
25 may include the notice required under subsection (c)(1) of this section in the indictment or  
26 information.

27 (e) An enhanced penalty imposed under this section shall be separate from and  
28 consecutive to a sentence for any crime based on the act establishing the violation of this  
29 section.

30 **3–601.2.**

31 **(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

1 (B) (1) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS DEFINED  
2 IN § 5-101 OF THE PUBLIC SAFETY ARTICLE WHEN THE PERSON KNOWS OR  
3 REASONABLY SHOULD KNOW THAT A MINOR IS PRESENT IN A RESIDENCE.

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

7 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
8 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS IN  
9 ADDITION TO ANY OTHER SENTENCE IMPOSED FOR THE CRIME OF VIOLENCE.

10 (D) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM  
11 AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT  
12 ESTABLISHING THE VIOLATION OF THIS SECTION.

13 Article – Family Law

14 5-701.

15 (s) “Neglect” means:

16 (1) the leaving of a child unattended or other failure to give proper care  
17 and attention to a child by any parent or other person who has permanent or temporary  
18 care or custody or responsibility for supervision of the child under circumstances that  
19 indicate:

20 [(1)] (I) that the child’s health or welfare is harmed or placed at  
21 substantial risk of harm; or

22 [(2)] (II) mental injury to the child or a substantial risk of mental injury;  
23 OR

24 (2) IN PRINCE GEORGE’S COUNTY, AN ACT THAT CONSTITUTES A  
25 VIOLATION OF § 3-601.2 OF THE CRIMINAL LAW ARTICLE, WHETHER OR NOT THE  
26 PERSON WHO COMMITTED THE ACT IS CHARGED WITH A CRIME.

27 5-704.

28 (a) Notwithstanding any other provision of law, including any law on privileged  
29 communications, each health practitioner, police officer, educator, or human service  
30 worker, acting in a professional capacity in this State:

31 (1) who has reason to believe that a child has been subjected to abuse or  
32 neglect, shall notify the local department or the appropriate law enforcement agency; and

1 (2) if acting as a staff member of a hospital, public health agency, child care  
2 institution, juvenile detention center, school, or similar institution, shall immediately  
3 notify and give all information required by this section to the head of the institution or the  
4 designee of the head.

5 (b) (1) An individual who notifies the appropriate authorities under subsection  
6 (a) of this section shall make:

7 (i) an oral report, by telephone or direct communication, as soon as  
8 possible to the local department or appropriate law enforcement agency; and

9 (ii) a written report:

10 1. to the local department not later than 48 hours after the  
11 contact, examination, attention, or treatment that caused the individual to believe that the  
12 child had been subjected to abuse or neglect; and

13 2. with a copy to the local State's Attorney.

14 (2) (i) An agency to which an oral report of suspected abuse or neglect  
15 is made under paragraph (1) of this subsection shall immediately notify the other agency.

16 (ii) This paragraph does not prohibit a local department and an  
17 appropriate law enforcement agency from agreeing to cooperative arrangements.

18 (c) Insofar as is reasonably possible, an individual who makes a report under this  
19 section shall include in the report the following information:

20 (1) the name, age, and home address of the child;

21 (2) the name and home address of the child's parent or other person who is  
22 responsible for the child's care;

23 (3) the whereabouts of the child;

24 (4) the nature and extent of the abuse or neglect of the child, including any  
25 evidence or information available to the reporter concerning possible previous instances of  
26 abuse or neglect; and

27 (5) any other information that would help to determine:

28 (i) the cause of the suspected abuse or neglect; and

29 (ii) the identity of any individual responsible for the abuse or neglect.

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