

SB0561/838378/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 561
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Homicide – Fetus” and substitute “Crime of Violence Against Pregnant Person – Enhanced Penalty”; strike beginning with “expanding” in line 4 down through “homicide.” in line 9 and substitute “providing for an enhanced penalty for a person who commits a certain crime against another person when the person knows that the other person is pregnant; providing that a court may impose the enhanced penalty under certain circumstances; requiring a State’s Attorney to provide certain notice under certain circumstances; authorizing the State’s Attorney to provide notice in a certain manner; providing that the enhanced penalty under this Act is separate from and consecutive to a sentence for a certain other sentence; and generally relating to crimes of violence against pregnant persons.”; strike in their entirety lines 10 through 14, inclusive; and after line 14, insert:

“BY adding to

Article - Criminal Law

Section 14–104

Annotated Code of Maryland

(2012 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 22 on page 2, inclusive, and substitute:

“**14–104.**

(Over)

(A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE, AS DEFINED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE, AGAINST ANOTHER PERSON WHEN THE PERSON KNOWS THAT THE OTHER PERSON IS PREGNANT.

(B) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR THE CRIME OF VIOLENCE.

(C) A COURT MAY IMPOSE AN ENHANCED PENALTY UNDER SUBSECTION (B) OF THIS SECTION IF:

(1) AT LEAST 30 DAYS BEFORE TRIAL IN THE CIRCUIT COURT, AND 15 DAYS BEFORE TRIAL IN THE DISTRICT COURT, THE STATE'S ATTORNEY NOTIFIES THE DEFENDANT IN WRITING OF THE STATE'S INTENTION TO SEEK THE ENHANCED PENALTY; AND

(2) THE ELEMENTS OF SUBSECTION (A) OF THIS SECTION HAVE BEEN PROVEN BEYOND A REASONABLE DOUBT.

(D) IF THE DEFENDANT IS CHARGED BY INDICTMENT OR CRIMINAL INFORMATION, THE STATE MAY INCLUDE THE NOTICE REQUIRED UNDER SUBSECTION (C)(1) OF THIS SECTION IN THE INDICTMENT OR INFORMATION.

(E) AN ENHANCED PENALTY IMPOSED UNDER THIS SECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.”.