

SENATE BILL 176

E2

9lr0164
CF HB 229

By: **The President (By Request – Administration) and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hayes, Hershey, Hough, Jennings, Ready, Salling, Serafini, Simonaire, and West**

Introduced and read first time: January 21, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2019

CHAPTER _____

1 AN ACT concerning

2 **State Commission on Criminal Sentencing Policy – Annual Report – Crimes of**
3 **Violence**

4 ~~FOR the purpose of requiring a certain annual report submitted by the State Commission~~
5 ~~on Criminal Sentencing Policy to identify certain information for each conviction of~~
6 ~~a certain crime of violence; requiring the Commission to include certain entry~~
7 ~~locations on a sentencing guidelines worksheet for a court to report certain~~
8 ~~information~~ the State Commission on Criminal Sentencing Policy to report certain
9 information to the Governor and certain committees of the General Assembly on or
10 before a certain date; and generally relating to the State Commission on Criminal
11 Sentencing Policy.

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 14–101(a)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Criminal Procedure
19 Section 6–201
20 Annotated Code of Maryland
21 (2018 Replacement Volume)

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 Procedure~~
 3 ~~Section 6–209~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2018 Replacement Volume)~~

6 BY adding to
 7 Article – Criminal Procedure
 8 Section ~~6–215~~ 6–209.1
 9 Annotated Code of Maryland
 10 (2018 Replacement Volume)

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

13 **Article – Criminal Law**

14 14–101.

15 (a) In this section, “crime of violence” means:

16 (1) abduction;

17 (2) arson in the first degree;

18 (3) kidnapping;

19 (4) manslaughter, except involuntary manslaughter;

20 (5) mayhem;

21 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
 22 386 of the Code;

23 (7) murder;

24 (8) rape;

25 (9) robbery under § 3–402 or § 3–403 of this article;

26 (10) carjacking;

27 (11) armed carjacking;

28 (12) sexual offense in the first degree;

- 1 (13) sexual offense in the second degree;
- 2 (14) use of a firearm in the commission of a felony except possession with
3 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or
4 other crime of violence;
- 5 (15) child abuse in the first degree under § 3–601 of this article;
- 6 (16) sexual abuse of a minor under § 3–602 of this article if:
- 7 (i) the victim is under the age of 13 years and the offender is an
8 adult at the time of the offense; and
- 9 (ii) the offense involved:
- 10 1. vaginal intercourse, as defined in § 3–301 of this 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 penetrates,
13 however slightly, into the victim’s genital opening or anus; or
- 14 4. the intentional touching of the victim’s or the offender’s
15 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- 16 (17) home invasion under § 6–202(b) of this article;
- 17 (18) an attempt to commit any of the crimes described in items (1) through
18 (17) of this subsection;
- 19 (19) continuing course of conduct with a child under § 3–315 of this article;
- 20 (20) assault in the first degree;
- 21 (21) assault with intent to murder;
- 22 (22) assault with intent to rape;
- 23 (23) assault with intent to rob;
- 24 (24) assault with intent to commit a sexual offense in the first degree; and
- 25 (25) assault with intent to commit a sexual offense in the second degree.

26 **Article – Criminal Procedure**

27 6–201.

1 In this part, "Commission" means the State Commission on Criminal Sentencing
2 Policy.

3 ~~6-200.~~

4 (a) ~~The Commission shall review annually sentencing policy and practice and, on~~
5 ~~or before January 31 of each year, report to the General Assembly, in accordance with §~~
6 ~~2-1246 of the State Government Article, on the activities of the preceding calendar year.~~

7 (b) (1) ~~The report shall:~~

8 (i) ~~include any changes to the sentencing guidelines made during~~
9 ~~the preceding year;~~

10 (ii) ~~review judicial compliance with the sentencing guidelines,~~
11 ~~including compliance by crime and by judicial circuit;~~

12 (iii) ~~FOR EACH CONVICTION OF A CRIME OF VIOLENCE AS~~
13 ~~DEFINED IN § 14-101(A) OF THE CRIMINAL LAW ARTICLE, IDENTIFY:~~

14 1. ~~THE CRIME OF WHICH THE DEFENDANT WAS~~
15 ~~CONVICTED;~~

16 2. ~~THE SENTENCE IMPOSED;~~

17 3. ~~THE APPLICABLE SENTENCING GUIDELINES RANGE;~~

18 4. ~~THE SENTENCE RECOMMENDED BY THE STATE;~~

19 5. ~~THE COURT AND JUDICIAL CIRCUIT WITH~~
20 ~~JURISDICTION OVER THE CASE; AND~~

21 6. ~~THE SENTENCING JUDGE;~~

22 [(iii)] (iv) ~~review reductions or increases in original sentences that~~
23 ~~have occurred because of reconsiderations of sentences imposed under § 14-101 of the~~
24 ~~Criminal Law Article; and~~

25 [(iv)] (v) ~~categorize information on the number of reconsiderations~~
26 ~~of sentences by crimes as listed in § 14-101(a) of the Criminal Law Article and by judicial~~
27 ~~circuit.~~

28 (2) ~~The Commission shall consider a sentence to a corrections options~~
29 ~~program to be within the sentencing guidelines if the sentence falls within a corrections~~
30 ~~options zone shown on the matrix.~~

1 ~~6-215.~~

2 ~~THE COMMISSION SHALL INCLUDE APPROPRIATE ENTRY LOCATIONS ON A~~
3 ~~SENTENCING GUIDELINES WORKSHEET FOR A COURT TO REPORT THE~~
4 ~~INFORMATION REQUIRED TO BE IDENTIFIED UNDER § 6-209(B)(1)(III) OF THIS PART~~
5 ~~RELATING TO CRIMES OF VIOLENCE.~~

6 6-209.1.

7 ON OR BEFORE DECEMBER 1, 2019, AND EACH DECEMBER 1 THEREAFTER,
8 THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
9 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE HOUSE JUDICIARY
10 COMMITTEE AND THE SENATE JUDICIAL PROCEEDINGS COMMITTEE THE
11 FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR FOR CASES
12 INVOLVING A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW
13 ARTICLE, DISAGGREGATED BY JUDICIAL CIRCUIT:

14 (1) DISAGGREGATED BY TYPE OF OFFENSE:

15 (I) THE NUMBER OF AMERICAN BAR ASSOCIATION PLEAS;

16 (II) THE NUMBER OF NON-AMERICAN BAR ASSOCIATION
17 PLEAS;

18 (III) THE NUMBER OF SUSPENDED SENTENCES; AND

19 (IV) FOR CONVICTIONS IN WHICH A PORTION OF THE SENTENCE
20 WAS SUSPENDED, THE AVERAGE PERCENTAGE OF THE TOTAL SENTENCE
21 SUSPENDED; AND

22 (2) FOR SENTENCING EVENTS THAT RESULTED IN A DEPARTURE
23 FROM THE SENTENCING GUIDELINES, THE DEPARTURE REASONS CITED AND THE
24 PERCENTAGE OF EVENTS IN WHICH EACH REASON WAS CITED.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2019.