

SENATE BILL 268

E1

1lr0555

(PRE-FILED)

By: **Senators Bailey and West**

Requested: August 20, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crime of Violence – Definition**

3 FOR the purpose of altering a certain definition of “crime of violence” as it relates to the
4 age of victims of certain offenses; 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 2020 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.



- 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 firearm in the commission of a felony except possession with
11 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or
12 other crime of violence;
- 13 (15) child abuse in the first degree under § 3–601 of this article;
- 14 (16) sexual abuse of a minor under § 3–602 of this article if:
- 15 (i) the victim is under the age of [13] **16** years and the offender is
16 an adult at the time of the offense; and
- 17 (ii) the offense involved:
- 18 1. vaginal intercourse, as defined in § 3–301 of this article;
- 19 2. a sexual act, as defined in § 3–301 of this article;
- 20 3. an act in which a part of the offender’s body penetrates,
21 however slightly, into the victim’s genital opening or anus; or
- 22 4. the intentional touching of the victim’s or the offender’s
23 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- 24 (17) home invasion under § 6–202(b) of this article;
- 25 (18) a felony offense under Title 3, Subtitle 11 of this article;
- 26 (19) an attempt to commit any of the crimes described in items (1) through
27 (18) of this subsection;

- 1 (20) continuing course of conduct with a child under § 3–315 of this article;
- 2 (21) assault in the first degree;
- 3 (22) assault with intent to murder;
- 4 (23) assault with intent to rape;
- 5 (24) assault with intent to rob;
- 6 (25) assault with intent to commit a sexual offense in the first degree; and
- 7 (26) assault with intent to commit a sexual offense in the second degree.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2021.