

HOUSE BILL 1185

E2
HB 929/19 – JUD

4lr1564

By: **Delegates Metzgar, Buckel, Chisholm, Ghrist, Griffith, Hornberger, Mangione, McComas, Miller, Munoz, Schmidt, Tomlinson, and Wivell**

Introduced and read first time: February 8, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Plea Agreements – Crime of Violence**

3 FOR the purpose of prohibiting a person who has been convicted of a certain crime of
4 violence from entering into a plea agreement; providing for the application of this
5 Act; and generally relating to plea agreements.

6 BY repealing and reenacting, without amendments,
7 Article – Criminal Law
8 Section 14–101(a)
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2023 Supplement)

11 BY adding to
12 Article – Criminal Procedure
13 Section 6–237
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2023 Supplement)

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

18 **Article – Criminal Law**

19 14–101.

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

21 (1) abduction;

22 (2) arson in the first degree;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (3) kidnapping;
- 2 (4) manslaughter, except involuntary manslaughter;
- 3 (5) mayhem;
- 4 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
5 386 of the Code;
- 6 (7) murder;
- 7 (8) rape;
- 8 (9) robbery under § 3–402 or § 3–403 of this article;
- 9 (10) carjacking;
- 10 (11) armed carjacking;
- 11 (12) sexual offense in the first degree;
- 12 (13) sexual offense in the second degree;
- 13 (14) use of a firearm in the commission of a felony except possession with
14 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or
15 other crime of violence;
- 16 (15) child abuse in the first degree under § 3–601 of this article;
- 17 (16) sexual abuse of a minor under § 3–602 of this article if:
 - 18 (i) 1. the victim is under the age of 13 years and the offender is
19 an adult at the time of the offense; or
 - 20 2. the offender is at least 21 years old and the victim is under
21 the age of 16 years; and
 - 22 (ii) the offense involved:
 - 23 1. vaginal intercourse, as defined in § 3–301 of this article;
 - 24 2. a sexual act, as defined in § 3–301 of this article;
 - 25 3. an act in which a part of the offender’s body penetrates,
26 however slightly, into the victim’s genital opening or anus; or

1 4. the intentional touching of the victim's or the offender's
2 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

3 (17) home invasion under § 6–202(b) of this article;

4 (18) a felony offense under Title 3, Subtitle 11 of this article;

5 (19) an attempt to commit any of the crimes described in items (1) through
6 (18) of this subsection;

7 (20) continuing course of conduct with a child under § 3–315 of this article;

8 (21) assault in the first degree;

9 (22) assault with intent to murder;

10 (23) assault with intent to rape;

11 (24) assault with intent to rob;

12 (25) assault with intent to commit a sexual offense in the first degree; and

13 (26) assault with intent to commit a sexual offense in the second degree.

14 **Article – Criminal Procedure**

15 **6–237.**

16 **(A) A PERSON WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS**
17 **DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, MAY NOT ENTER INTO A PLEA**
18 **AGREEMENT.**

19 **(B) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT A SENTENCING**
20 **COURT'S DISCRETION TO IMPOSE ANY SENTENCE, INCLUDING, AND UP TO, THE**
21 **MAXIMUM SENTENCE ALLOWABLE BY LAW.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
23 apply only prospectively and may not be applied or interpreted to have any effect on or
24 application to any crime committed before the effective date of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2024.