

# HOUSE BILL 306

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CF SB 337

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By: **The Speaker (By Request – Administration) and Delegates Simmons, Anderson, Arora, Carr, Carter, Clippinger, Dumais, Fraser-Hidalgo, Frick, Glenn, Hixson, Jones, Kaiser, Lee, Luedtke, A. Miller, Reznik, Rosenberg, Swain, Valderrama, Valentino-Smith, Waldstreicher, M. Washington, and Zucker**

Introduced and read first time: January 21, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes Committed in the Presence of a Minor – Penalties**

3 FOR the purpose of prohibiting a person from committing a certain crime of violence if  
4 the crime is a domestically related crime and the person knows or reasonably  
5 should know that a minor is present; establishing certain circumstances under  
6 which a minor is present; establishing a certain enhanced penalty for a violation  
7 of this Act; authorizing a court to impose an enhanced penalty if the State's  
8 Attorney provides certain notice to the defendant in a certain manner and if  
9 certain elements have been proven beyond a reasonable doubt; authorizing the  
10 State to include a certain notice in a certain indictment or information;  
11 providing that a penalty imposed under this Act shall be separate from and  
12 consecutive to a sentence for any crime based on the act establishing the  
13 violation of this Act; and generally relating to crimes committed in the presence  
14 of a minor.

15 BY adding to

16 Article – Criminal Law

17 Section 3-601.1

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Public Safety

22 Section 5-101(a) and (c)

23 Annotated Code of Maryland

24 (2011 Replacement Volume and 2013 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 – Criminal Procedure  
3 Section 6–233  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2013 Supplement)

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

8 **Article – Criminal Law**

9 **3–601.1.**

10 **(A) (1) THIS SUBSECTION APPLIES ONLY IF, AT THE TIME THE CRIME**  
11 **WAS COMMITTED, THE DEFENDANT OR THE VICTIM HAD PERMANENT CUSTODY,**  
12 **TEMPORARY CUSTODY, TEMPORARY CARE, OR RESPONSIBILITY FOR THE**  
13 **SUPERVISION OF THE MINOR.**

14 **(2) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS**  
15 **DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE IF:**

16 **(I) THE CRIME IS A DOMESTICALLY RELATED CRIME AS**  
17 **DEFINED IN § 6–233 OF THE CRIMINAL PROCEDURE ARTICLE; AND**

18 **(II) THE PERSON KNOWS OR REASONABLY SHOULD KNOW**  
19 **THAT A MINOR IS PRESENT.**

20 **(3) FOR THE PURPOSES OF THIS SUBSECTION, A MINOR IS**  
21 **PRESENT IF THE MINOR IS WITHIN SIGHT OR HEARING OF THE CRIME OR IS**  
22 **OTHERWISE ABLE TO PERCEIVE THE CRIME.**

23 **(B) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO**  
24 **IMPRISONMENT NOT EXCEEDING 5 YEARS IN ADDITION TO ANY OTHER**  
25 **SENTENCE IMPOSED FOR THE CRIME.**

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

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



