

# HOUSE BILL 422

E1

4lr1715

---

By: **Delegate Attar**

Introduced and read first time: January 18, 2024

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of adding certain crimes relating to possession of firearms to a certain  
4 definition of “crime of violence”; and generally relating to crimes of violence.

5 BY repealing and reenacting, with amendments,  
6 Article – Criminal Law  
7 Section 14–101  
8 Annotated Code of Maryland  
9 (2021 Replacement Volume and 2023 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)    1.    the victim is under the age of 13 years and the offender is  
16 an adult at the time of the offense; or
- 17                            2.    the offender is at least 21 years old and the victim is under  
18 the age of 16 years; and
- 19                   (ii)   the offense involved:
- 20                            1.    vaginal intercourse, as defined in § 3–301 of this article;
- 21                            2.    a sexual act, as defined in § 3–301 of this article;
- 22                            3.    an act in which a part of the offender’s body penetrates,  
23 however slightly, into the victim’s genital opening or anus; or
- 24                            4.    the intentional touching of the victim’s or the offender’s  
25 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- 26           (17)   home invasion under § 6–202(b) of this article;
- 27           (18)   a felony offense under Title 3, Subtitle 11 of this article;

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

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

4 (21) assault in the first degree;

5 (22) assault with intent to murder;

6 (23) assault with intent to rape;

7 (24) assault with intent to rob;

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

9 (26) assault with intent to commit a sexual offense in the second degree;

10 **(27) POSSESSION OF A REGULATED FIREARM IN VIOLATION OF §**  
11 **5–133(B) OF THE PUBLIC SAFETY ARTICLE; AND**

12 **(28) POSSESSION OF A RIFLE OR SHOTGUN IN VIOLATION OF § 5–206**  
13 **OF THE PUBLIC SAFETY ARTICLE.**

14 (b) (1) Except as provided in subsection (f) of this section, on conviction for a  
15 fourth time of a crime of violence, a person who has served three separate terms of  
16 confinement in a correctional facility as a result of three separate convictions of any crime  
17 of violence shall be sentenced to life imprisonment without the possibility of parole.

18 (2) Notwithstanding any other law, the provisions of this subsection are  
19 mandatory.

20 (c) (1) Except as provided in subsection (f) of this section, on conviction for a  
21 third time of a crime of violence, a person shall be sentenced to imprisonment for the term  
22 allowed by law but not less than 25 years, if the person:

23 (i) has been convicted of a crime of violence on two prior separate  
24 occasions:

25 1. in which the second or succeeding crime is committed after  
26 there has been a charging document filed for the preceding occasion; and

27 2. for which the convictions do not arise from a single  
28 incident; and

29 (ii) has served at least one term of confinement in a correctional  
30 facility as a result of a conviction of a crime of violence.

1           (2)    The court may not suspend all or part of the mandatory 25-year  
2 sentence required under this subsection.

3           (3)    A person sentenced under this subsection is not eligible for parole  
4 except in accordance with the provisions of § 4–305 of the Correctional Services Article.

5           (d)    (1)    (i)    Except as provided in paragraph (2) of this subsection, on  
6 conviction for a second time of a crime of violence committed on or after October 1, 1994, a  
7 person shall be sentenced to imprisonment for the term allowed by law, but not less than  
8 10 years, if the person:

9                           1.    has been convicted on a prior occasion of a crime of  
10 violence, including a conviction for a crime committed before October 1, 1994; and

11                           2.    served a term of confinement in a correctional facility for  
12 that conviction.

13                           (ii)   The court may not suspend all or part of the mandatory 10-year  
14 sentence required under this paragraph.

15           (2)    (i)    On conviction for a second time of a crime of violence committed  
16 on or after October 1, 2018, a person shall be sentenced to imprisonment for the term  
17 allowed by law, but not less than 10 years, if the person:

18                           1.    has been convicted on a prior occasion of a crime of  
19 violence, including a conviction for a crime committed before October 1, 2018; and

20                           2.    served a term of confinement in a correctional facility for  
21 that conviction.

22                           (ii)   The court may not suspend all or part of the mandatory 10-year  
23 sentence required under this paragraph.

24                           (iii)   A person sentenced under this paragraph is not eligible for parole  
25 except in accordance with the provisions of § 4–305 of the Correctional Services Article.

26           (e)    If the State intends to proceed against a person as a subsequent offender  
27 under this section, it shall comply with the procedures set forth in the Maryland Rules for  
28 the indictment and trial of a subsequent offender.

29           (f)    (1)    This subsection does not apply to a person registered or eligible for  
30 registration under Title 11, Subtitle 7 of the Criminal Procedure Article.

31                           (2)   A person sentenced under this section may petition for and be granted  
32 parole if the person:

1 (i) is at least 60 years old; and

2 (ii) has served at least 15 years of the sentence imposed under this  
3 section.

4 (3) The Maryland Parole Commission shall adopt regulations to implement  
5 this subsection.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2024.