

# HOUSE BILL 663

E1  
HB 650/10 – JUD

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By: **Delegate Simmons**  
Introduced and read first time: February 9, 2011  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Committing a Crime of Violence in the Presence of a Minor –**  
3 **Penalties**

4 FOR the purpose of prohibiting a person from committing a certain crime of violence  
5 when the person knows or reasonably should know that a minor is present;  
6 establishing certain circumstances under which a minor is present in a  
7 residence; establishing certain penalties for a violation of this Act; establishing  
8 that a sentence under this Act is separate from and consecutive to a sentence  
9 for a crime based on the act establishing a violation of this Act; providing that a  
10 person who violates this Act is guilty of the abuse of a child under 18 for certain  
11 purposes; and generally relating to the commission of crimes of violence in the  
12 presence of minors.

13 BY repealing and reenacting, without amendments,  
14 Article – Courts and Judicial Proceedings  
15 Section 9–106(a)  
16 Annotated Code of Maryland  
17 (2006 Replacement Volume and 2010 Supplement)

18 BY adding to  
19 Article – Criminal Law  
20 Section 3–601.1  
21 Annotated Code of Maryland  
22 (2002 Volume and 2010 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article – Public Safety  
25 Section 5–101(a) and (c)  
26 Annotated Code of Maryland  
27 (2003 Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 9–106.

5 (a) The spouse of a person on trial for a crime may not be compelled to testify  
6 as an adverse witness unless the charge involves:

7 (1) The abuse of a child under 18; or

8 (2) Assault in any degree in which the spouse is a victim if:

9 (i) The person on trial was previously charged with assault in  
10 any degree or assault and battery of the spouse;

11 (ii) The spouse was sworn to testify at the previous trial; and

12 (iii) The spouse refused to testify at the previous trial on the  
13 basis of the provisions of this section.

14 **Article – Criminal Law**

15 **3–601.1.**

16 (A) (1) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS  
17 DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE WHEN THE PERSON  
18 KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR IS PRESENT IN A  
19 RESIDENCE.

20 (2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION,  
21 A MINOR IS PRESENT IF THE MINOR IS WITHIN SIGHT OR HEARING OF THE  
22 CRIME OF VIOLENCE.

23 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
24 MISDEMEANOR AND ON CONVICTION, IN ADDITION TO ANY OTHER SENTENCE  
25 IMPOSED FOR THE CRIME OF VIOLENCE, IS SUBJECT TO IMPRISONMENT NOT  
26 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

27 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE  
28 FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT  
29 ESTABLISHING THE VIOLATION OF THIS SECTION.

30 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE ABUSE  
31 OF A CHILD UNDER 18 FOR PURPOSES OF § 9–106 OF THE COURTS ARTICLE.

**Article – Public Safety**

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5–101.

(a) In this subtitle the following words have the meanings indicated.

(c) “Crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) assault in the first or second degree;

(4) burglary in the first, second, or third degree;

(5) carjacking and armed carjacking;

(6) escape in the first degree;

(7) kidnapping;

(8) voluntary manslaughter;

(9) maiming as previously proscribed under former Article 27, § 386 of the Code;

(10) mayhem as previously proscribed under former Article 27, § 384 of the Code;

(11) murder in the first or second degree;

(12) rape in the first or second degree;

(13) robbery;

(14) robbery with a dangerous weapon;

(15) sexual offense in the first, second, or third degree;

(16) an attempt to commit any of the crimes listed in items (1) through (15) of this subsection; or

(17) assault with intent to commit any of the crimes listed in items (1) through (15) of this subsection or a crime punishable by imprisonment for more than 1 year.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2011.