

# HOUSE BILL 663

E1  
HB 650/10 – JUD

1lr1982

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

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 8, 2011

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## CHAPTER \_\_\_\_\_

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)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,  
2 Article – Public Safety  
3 Section 5–101(a) and (c)  
4 Annotated Code of Maryland  
5 (2003 Volume and 2010 Supplement)

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

8 **Article – Courts and Judicial Proceedings**

9 9–106.

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

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

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

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

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

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

19 **Article – Criminal Law**

20 **3–601.1.**

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

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

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



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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.