

SENATE BILL 861

E1

3lr3090
CF HB 478

By: ~~Senator Zirkin~~ **Senators Zirkin and Forehand**

Introduced and read first time: February 7, 2013

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 14, 2013

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2013

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 of a certain age
6 is present in a residence; establishing certain circumstances under which a
7 minor is present; establishing a certain enhanced penalty for a violation of this
8 Act; authorizing a court to impose an enhanced penalty if the State's Attorney
9 provides certain notice to the defendant in a certain manner and if certain
10 elements have been proven beyond a reasonable doubt; authorizing the State to
11 include a certain notice in a certain indictment or information; ~~providing that a~~
12 ~~person who violates this Act is guilty of the abuse of a child under 18 for certain~~
13 ~~purposes~~; and generally relating to the commission of crimes of violence in the
14 presence of minors.

15 ~~BY repealing and reenacting, without amendments,~~
16 ~~Article – Courts and Judicial Proceedings~~
17 ~~Section 9–106(a)~~
18 ~~Annotated Code of Maryland~~
19 ~~(2006 Replacement Volume and 2012 Supplement)~~

20 BY adding to
21 Article – Criminal Law
22 Section 3–601.1

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 Annotated Code of Maryland
2 (2012 Replacement Volume and 2012 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Public Safety
5 Section 5–101(a) and (c)
6 Annotated Code of Maryland
7 (2011 Replacement Volume and 2012 Supplement)

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

10 ~~Article – Courts and Judicial Proceedings~~

11 ~~§ 106.~~

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

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

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

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

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

19 ~~(iii) The spouse refused to testify at the previous trial on the~~
20 ~~basis of the provisions of this section.~~

21 **Article – Criminal Law**

22 **3–601.1.**

23 **(A) (1) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS**
24 **DEFINED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE WHEN THE PERSON**
25 **KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR WHO IS AT LEAST 2**
26 **YEARS OLD AND UNDER THE AGE OF 16 YEARS IS PRESENT IN A RESIDENCE.**

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

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

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

5 (11) murder in the first or second degree;

6 (12) rape in the first or second degree;

7 (13) robbery;

8 (14) robbery with a dangerous weapon;

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.