

# HOUSE BILL 229

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CF SB 176

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By: **The Speaker (By Request – Administration) and Delegates Adams, Arentz, Arian, Beitzel, Buckel, Chisholm, Ciliberti, Clark, Corderman, Cox, M. Fisher, Grammer, Hartman, Hornberger, Jacobs, Kipke, Kittleman, Krebs, Malone, Mangione, McComas, McKay, Metzgar, Morgan, Otto, Reilly, Rose, Saab, Shoemaker, and Szeliga**

Introduced and read first time: January 24, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Commission on Criminal Sentencing Policy – Annual Report – Crimes of**  
3 **Violence**

4 FOR the purpose of requiring a certain annual report submitted by the State Commission  
5 on Criminal Sentencing Policy to identify certain information for each conviction of  
6 a certain crime of violence; requiring the Commission to include certain entry  
7 locations on a sentencing guidelines worksheet for a court to report certain  
8 information; and generally relating to the State Commission on Criminal Sentencing  
9 Policy.

10 BY repealing and reenacting, without amendments,  
11 Article – Criminal Law  
12 Section 14–101(a)  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Criminal Procedure  
17 Section 6–201  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume)

20 BY repealing and reenacting, with amendments,  
21 Article – Criminal Procedure  
22 Section 6–209  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Criminal Procedure  
3 Section 6–215  
4 Annotated Code of Maryland  
5 (2018 Replacement Volume)

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

8 **Article – Criminal Law**

9 14–101.

10 (a) In this section, “crime of violence” means:

- 11 (1) abduction;
- 12 (2) arson in the first degree;
- 13 (3) kidnapping;
- 14 (4) manslaughter, except involuntary manslaughter;
- 15 (5) mayhem;
- 16 (6) maiming, as previously proscribed under former Article 27, §§ 385 and  
17 386 of the Code;
- 18 (7) murder;
- 19 (8) rape;
- 20 (9) robbery under § 3–402 or § 3–403 of this article;
- 21 (10) carjacking;
- 22 (11) armed carjacking;
- 23 (12) sexual offense in the first degree;
- 24 (13) sexual offense in the second degree;
- 25 (14) use of a firearm in the commission of a felony except possession with  
26 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or  
27 other crime of violence;

- 1 (15) child abuse in the first degree under § 3–601 of this article;
- 2 (16) sexual abuse of a minor under § 3–602 of this article if:
  - 3 (i) the victim is under the age of 13 years and the offender is an  
4 adult at the time of the offense; and
  - 5 (ii) the offense involved:
    - 6 1. vaginal intercourse, as defined in § 3–301 of this article;
    - 7 2. a sexual act, as defined in § 3–301 of this article;
    - 8 3. an act in which a part of the offender’s body penetrates,  
9 however slightly, into the victim’s genital opening or anus; or
    - 10 4. the intentional touching of the victim’s or the offender’s  
11 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- 12 (17) home invasion under § 6–202(b) of this article;
- 13 (18) an attempt to commit any of the crimes described in items (1) through  
14 (17) of this subsection;
- 15 (19) continuing course of conduct with a child under § 3–315 of this article;
- 16 (20) assault in the first degree;
- 17 (21) assault with intent to murder;
- 18 (22) assault with intent to rape;
- 19 (23) assault with intent to rob;
- 20 (24) assault with intent to commit a sexual offense in the first degree; and
- 21 (25) assault with intent to commit a sexual offense in the second degree.

**Article – Criminal Procedure**

23 6–201.

24 In this part, “Commission” means the State Commission on Criminal Sentencing  
25 Policy.

26 6–209.

1 (a) The Commission shall review annually sentencing policy and practice and, on  
 2 or before January 31 of each year, report to the General Assembly, in accordance with §  
 3 2–1246 of the State Government Article, on the activities of the preceding calendar year.

4 (b) (1) The report shall:

5 (i) include any changes to the sentencing guidelines made during  
 6 the preceding year;

7 (ii) review judicial compliance with the sentencing guidelines,  
 8 including compliance by crime and by judicial circuit;

9 (III) FOR EACH CONVICTION OF A CRIME OF VIOLENCE AS  
 10 DEFINED IN § 14–101(A) OF THE CRIMINAL LAW ARTICLE, IDENTIFY:

11 1. THE CRIME OF WHICH THE DEFENDANT WAS  
 12 CONVICTED;

13 2. THE SENTENCE IMPOSED;

14 3. THE APPLICABLE SENTENCING GUIDELINES RANGE;

15 4. THE SENTENCE RECOMMENDED BY THE STATE;

16 5. THE COURT AND JUDICIAL CIRCUIT WITH  
 17 JURISDICTION OVER THE CASE; AND

18 6. THE SENTENCING JUDGE;

19 [(iii)] (IV) review reductions or increases in original sentences that  
 20 have occurred because of reconsiderations of sentences imposed under § 14–101 of the  
 21 Criminal Law Article; and

22 [(iv)] (V) categorize information on the number of reconsiderations  
 23 of sentences by crimes as listed in § 14–101(a) of the Criminal Law Article and by judicial  
 24 circuit.

25 (2) The Commission shall consider a sentence to a corrections options  
 26 program to be within the sentencing guidelines if the sentence falls within a corrections  
 27 options zone shown on the matrix.

28 **6–215.**

29 **THE COMMISSION SHALL INCLUDE APPROPRIATE ENTRY LOCATIONS ON A**  
 30 **SENTENCING GUIDELINES WORKSHEET FOR A COURT TO REPORT THE**

1 INFORMATION REQUIRED TO BE IDENTIFIED UNDER § 6-209(B)(1)(III) OF THIS PART  
2 RELATING TO CRIMES OF VIOLENCE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2019.