

HOUSE BILL 404

E1

8lr2205

By: **Delegate Chang**

Introduced and read first time: January 24, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crime of Violence – Human Trafficking**

3 FOR the purpose of classifying the offense of human trafficking as a crime of violence under
4 certain provisions of law; and generally relating to human trafficking and crimes of
5 violence.

6 BY repealing and reenacting, without amendments,
7 Article – Criminal Law
8 Section 4–401(a)
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2017 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 4–401(b) and 14–101(a)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Public Safety
18 Section 5–101(a)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2017 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Public Safety
23 Section 5–101(c)
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2017 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Criminal Law**

3 4–401.

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

5 (b) (1) “Crime of violence” means:

6 (i) murder in any degree;

7 (ii) manslaughter;

8 (iii) kidnapping;

9 (iv) rape in any degree;

10 (v) assault in the first degree;

11 (vi) robbery under § 3–402 or § 3–403 of this article;

12 (vii) burglary in any degree;

13 (viii) home invasion under § 6–202(b) of this article;

14 (ix) escape in the first degree; [or]

15 (x) theft; **OR**

16 **(XI) HUMAN TRAFFICKING UNDER § 11–303 OF THIS ARTICLE.**

17 (2) “Crime of violence” includes an attempt to commit a crime listed in
18 paragraph (1) of this subsection.

19 14–101.

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

21 (1) abduction;

22 (2) arson in the first degree;

23 (3) kidnapping;

24 (4) manslaughter, except involuntary manslaughter;

- 1 (5) mayhem;
- 2 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
3 386 of the Code;
- 4 (7) murder;
- 5 (8) rape;
- 6 (9) robbery under § 3–402 or § 3–403 of this article;
- 7 (10) carjacking;
- 8 (11) armed carjacking;
- 9 (12) sexual offense in the first degree;
- 10 (13) sexual offense in the second degree;
- 11 (14) use of a handgun in the commission of a felony or other crime of
12 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) the victim is under the age of 13 years and the offender is an
16 adult at the time of the offense; and
- 17 (ii) the offense involved:
- 18 1. vaginal intercourse, as defined in § 3–301 of this article;
- 19 2. a sexual act, as defined in § 3–301 of this article;
- 20 3. an act in which a part of the offender’s body penetrates,
21 however slightly, into the victim’s genital opening or anus; or
- 22 4. the intentional touching, not through the clothing, of the
23 victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
24 gratification, or abuse;
- 25 (17) home invasion under § 6–202(b) of this article;
- 26 (18) an attempt to commit any of the crimes described in items (1) through
27 (17) of this subsection;

- 1 (19) continuing course of conduct with a child under § 3–315 of this article;
- 2 (20) assault in the first degree;
- 3 (21) assault with intent to murder;
- 4 (22) assault with intent to rape;
- 5 (23) assault with intent to rob;
- 6 (24) assault with intent to commit a sexual offense in the first degree; [and]
- 7 (25) assault with intent to commit a sexual offense in the second degree;

8 **AND**

9 **(26) HUMAN TRAFFICKING UNDER § 11–303 OF THIS ARTICLE.**

10 **Article – Public Safety**

11 5–101.

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

13 (c) “Crime of violence” means:

- 14 (1) abduction;
- 15 (2) arson in the first degree;
- 16 (3) assault in the first or second degree;
- 17 (4) burglary in the first, second, or third degree;
- 18 (5) carjacking and armed carjacking;
- 19 (6) escape in the first degree;
- 20 (7) kidnapping;
- 21 (8) voluntary manslaughter;
- 22 (9) maiming as previously proscribed under former Article 27, § 386 of the
- 23 Code;
- 24 (10) mayhem as previously proscribed under former Article 27, § 384 of the
- 25 Code;

- 1 (11) murder in the first or second degree;
- 2 (12) rape in the first or second degree;
- 3 (13) robbery;
- 4 (14) robbery with a dangerous weapon;
- 5 (15) sexual offense in the first, second, or third degree;
- 6 (16) home invasion under § 6–202(b) of the Criminal Law Article;
- 7 (17) an attempt to commit any of the crimes listed in items (1) through (16)
- 8 of this subsection; [or]
- 9 (18) assault with intent to commit any of the crimes listed in items (1)
- 10 through (16) of this subsection or a crime punishable by imprisonment for more than 1 year;
- 11 **OR**

12 **(19) HUMAN TRAFFICKING UNDER § 11–303 OF THE CRIMINAL LAW**
13 **ARTICLE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2018.