

HOUSE BILL 776

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By: **Delegates Lee, Barkley, Bartlett, Benson, Boteler, Bronrott, Conaway, DeBoy, Doory, Frick, Frush, Glenn, Healey, Hecht, Jameson, Kullen, Manno, Mathias, Montgomery, Robinson, Shank, Shewell, Stocksdales, Stukes, and Valderrama**

Introduced and read first time: February 9, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Home Invasion Crime of Violence**

3 FOR the purpose of prohibiting a person from breaking and entering the dwelling of
4 another and committing a crime of violence against a certain victim; prohibiting
5 a person from employing or displaying a dangerous weapon while committing a
6 certain crime; establishing certain criminal penalties; requiring a certain
7 sentence imposed under this Act to be imposed consecutive to and not
8 concurrent with a certain other sentence; and generally relating to the
9 prohibition of home invasion crimes of violence.

10 BY adding to

11 Article – Criminal Law

12 Section 3–406 to be under the amended subtitle “Subtitle 4. Robbery and Home
13 Invasion Crime of Violence”

14 Annotated Code of Maryland

15 (2002 Volume and 2009 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Criminal Law

18 Section 14–101(a)

19 Annotated Code of Maryland

20 (2002 Volume and 2009 Supplement)

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

23 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Subtitle 4. Robbery AND HOME INVASION CRIME OF VIOLENCE.

2 **3-406.**

3 (A) A PERSON MAY NOT BREAK AND ENTER THE DWELLING OF
4 ANOTHER AND COMMIT A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THIS
5 ARTICLE, AGAINST A VICTIM WHO IS A LAWFUL OCCUPANT OF THE DWELLING.

6 (B) A PERSON MAY NOT EMPLOY OR DISPLAY A DANGEROUS WEAPON
7 WHILE VIOLATING SUBSECTION (A) OF THIS SECTION.

8 (C) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS
9 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
10 EXCEEDING 30 YEARS.

11 (D) (1) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION
12 IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
13 NOT EXCEEDING 30 YEARS.

14 (2) A SENTENCE IMPOSED UNDER THIS SUBSECTION SHALL BE
15 CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED
16 FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF
17 SUBSECTION (B) OF THIS SECTION.

18 14-101.

19 (a) In this section, "crime of violence" means:

20 (1) abduction;

21 (2) arson in the first degree;

22 (3) kidnapping;

23 (4) manslaughter, except involuntary manslaughter;

24 (5) mayhem;

25 (6) maiming, as previously proscribed under former Article 27, §§ 385
26 and 386 of the Code;

27 (7) murder;

28 (8) rape;

29 (9) robbery under § 3-402 or § 3-403 of this article;

- 1 (10) carjacking;
- 2 (11) armed carjacking;
- 3 (12) sexual offense in the first degree;
- 4 (13) sexual offense in the second degree;
- 5 (14) use of a handgun in the commission of a felony or other crime of
6 violence;
- 7 (15) child abuse in the first degree under § 3–601 of this article;
- 8 (16) sexual abuse of a minor under § 3–602 of this article if:
- 9 (i) the victim is under the age of 13 years and the offender is an
10 adult at the time of the offense; and
- 11 (ii) the offense involved:
- 12 1. vaginal intercourse, as defined in § 3–301 of this
13 article;
- 14 2. a sexual act, as defined in § 3–301 of this article;
- 15 3. an act in which a part of the offender’s body
16 penetrates, however slightly, into the victim’s genital opening or anus; or
- 17 4. the intentional touching, not through the clothing, of
18 the victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
19 gratification, or abuse;
- 20 (17) an attempt to commit any of the crimes described in items (1)
21 through (16) of this subsection;
- 22 (18) continuing course of conduct with a child under § 3–315 of this
23 article;
- 24 (19) assault in the first degree;
- 25 (20) assault with intent to murder;
- 26 (21) assault with intent to rape;
- 27 (22) assault with intent to rob;

1 (23) assault with intent to commit a sexual offense in the first degree;

2 and

3 (24) assault with intent to commit a sexual offense in the second

4 degree.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

6 October 1, 2010.