

HOUSE BILL 1091

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CF SB 437

By: **Delegates Morales, Anderson, Conaway, Cullison, Frush, Kramer, A. Miller, Moon, and Rosenberg**

Introduced and read first time: February 11, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Committing a Crime of Violence in the Presence of a Minor –**
3 **Repeal of Residence Requirement**

4 FOR the purpose of repealing the requirement that the crime be committed in a residence
5 to convict a person of violating the prohibition against committing a crime of violence
6 when the person knows or reasonably should know that a minor who is at least a
7 certain age is present; providing for the application of this Act; and generally relating
8 to crimes committed in the presence of a minor.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 3–601.1
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2015 Supplement)

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

16 **Article – Criminal Law**

17 3–601.1.

18 (a) (1) A person may not commit a crime of violence as defined in § 5–101 of
19 the Public Safety Article when the person knows or reasonably should know that a minor
20 who is at least 2 years old is present [in a residence].

21 (2) For the purposes of paragraph (1) of this subsection, a minor is present
22 if the minor is within sight or hearing of the crime of violence.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person who violates this section is subject to imprisonment not exceeding 5
2 years in addition to any other sentence imposed for the crime of violence.

3 (c) A court may impose an enhanced penalty under subsection (b) of this section
4 if:

5 (1) at least 30 days before trial in the circuit court, and 15 days before trial
6 in the District Court, the State's Attorney notifies the defendant in writing of the State's
7 intention to seek the enhanced penalty; and

8 (2) the elements of subsection (a)(1) of this section have been proven
9 beyond a reasonable doubt.

10 (d) If the defendant is charged by indictment or criminal information, the State
11 may include the notice required under subsection (c)(1) of this section in the indictment or
12 information.

13 (e) An enhanced penalty imposed under this section shall be separate from and
14 consecutive to a sentence for any crime based on the act establishing the violation of this
15 section.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
17 apply only prospectively and may not be applied or interpreted to have any effect on or
18 application to any crime committed before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2016.