

SENATE BILL 57

E1
SB 68/22 – JPR

(PRE-FILED)

3lr0406
CF HB 164

By: **Senator Bailey**

Requested: September 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2023

CHAPTER _____

1 AN ACT concerning

2 **Sexual Offenses – Crime of Violence and Lifetime Supervision**

3 FOR the purpose of altering a certain definition of “crime of violence” as it relates to the
4 age of victims of certain offenses; requiring a sentence for certain persons convicted
5 of certain sexual abuse crimes to include a term of lifetime sexual offender
6 supervision; and generally relating to sexual offenses.

7 BY repealing and reenacting, without amendments,

8 Article – Criminal Law

9 Section 3–602

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Criminal Law

14 Section 14–101(a)

15 Annotated Code of Maryland

16 (2021 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Criminal Procedure

19 Section 11–723

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2022 Supplement)

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

3 **Article – Criminal Law**

4 3–602.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Family member” has the meaning stated in § 3–601 of this subtitle.

7 (3) “Household member” has the meaning stated in § 3–601 of this subtitle.

8 (4) (i) “Sexual abuse” means an act that involves sexual molestation or
9 exploitation of a minor, whether physical injuries are sustained or not.

10 (ii) “Sexual abuse” includes:

11 1. incest;

12 2. rape;

13 3. sexual offense in any degree; and

14 4. unnatural or perverted sexual practices.

15 (b) (1) A parent or other person who has permanent or temporary care or
16 custody or responsibility for the supervision of a minor may not cause sexual abuse to the
17 minor.

18 (2) A household member or family member may not cause sexual abuse to
19 a minor.

20 (c) A person who violates this section is guilty of a felony and on conviction is
21 subject to imprisonment not exceeding 25 years.

22 (d) A sentence imposed under this section may be separate from and consecutive
23 to or concurrent with a sentence for:

24 (1) any crime based on the act establishing the violation of this section; or

25 (2) a violation of § 3–601 of this subtitle involving an act of abuse separate
26 from sexual abuse under this section.

27 14–101.

- 1 (a) In this section, “crime of violence” means:
- 2 (1) abduction;
- 3 (2) arson in the first degree;
- 4 (3) kidnapping;
- 5 (4) manslaughter, except involuntary manslaughter;
- 6 (5) mayhem;
- 7 (6) maiming, as previously proscribed under former Article 27, §§ 385 and
8 386 of the Code;
- 9 (7) murder;
- 10 (8) rape;
- 11 (9) robbery under § 3–402 or § 3–403 of this article;
- 12 (10) carjacking;
- 13 (11) armed carjacking;
- 14 (12) sexual offense in the first degree;
- 15 (13) sexual offense in the second degree;
- 16 (14) use of a firearm in the commission of a felony except possession with
17 intent to distribute a controlled dangerous substance under § 5–602(2) of this article, or
18 other crime of violence;
- 19 (15) child abuse in the first degree under § 3–601 of this article;
- 20 (16) sexual abuse of a minor under § 3–602 of this article if:
- 21 (i) **1.** the victim is under the age of 13 years and the offender is
22 an adult at the time of the offense; **OR**
- 23 **2. THE OFFENDER IS AT LEAST 21 YEARS OLD AND THE**
24 **VICTIM IS UNDER THE AGE OF 16 YEARS;** and
- 25 (ii) the offense involved:
- 26 1. vaginal intercourse, as defined in § 3–301 of this article;

1 2. a sexual act, as defined in § 3–301 of this article;

2 3. an act in which a part of the offender’s body penetrates,
3 however slightly, into the victim’s genital opening or anus; or

4 4. the intentional touching of the victim’s or the offender’s
5 genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

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

7 (18) a felony offense under Title 3, Subtitle 11 of this article;

8 (19) an attempt to commit any of the crimes described in items (1) through
9 (18) of this subsection;

10 (20) continuing course of conduct with a child under § 3–315 of this article;

11 (21) assault in the first degree;

12 (22) assault with intent to murder;

13 (23) assault with intent to rape;

14 (24) assault with intent to rob;

15 (25) assault with intent to commit a sexual offense in the first degree; and

16 (26) assault with intent to commit a sexual offense in the second degree.

17 **Article – Criminal Procedure**

18 11–723.

19 (a) Except where a term of natural life without the possibility of parole is imposed,
20 a sentence for the following persons shall include a term of lifetime sexual offender
21 supervision:

22 (1) a person who is a sexually violent predator;

23 (2) a person who has been convicted of a violation of:

24 (i) § 3–303 or § 3–304 of the Criminal Law Article; or

25 (ii) § 3–305 or **[§ 3–306(a)(1) or (2)] § 3–306** of the Criminal Law
26 Article as the sections existed before October 1, 2017, **IF THE PERSON WAS AN ADULT AT**
27 **THE TIME OF THE OFFENSE**;

1 (3) a person who has been convicted of a violation of § 3–309 or § 3–310 of
2 the Criminal Law Article, § 3–311 of the Criminal Law Article as the section existed before
3 October 1, 2017, or, **IF THE PERSON WAS AN ADULT AT THE TIME OF THE OFFENSE**, an
4 attempt to commit a violation of [§ 3–306(a)(1) or (2)] **§ 3–306** of the Criminal Law Article
5 as the section existed before October 1, 2017;

6 (4) a person who has been convicted of a violation of § 3–602 of the Criminal
7 Law Article:

8 (I) ~~involving~~ **THAT WAS COMMITTED WHEN THE PERSON WAS AN**
9 **ADULT AGAINST** a child under the age of [12] **13** years; OR

10 (II) **THAT WAS COMMITTED WHEN THE PERSON WAS AT LEAST 21**
11 **YEARS OLD AGAINST A CHILD UNDER THE AGE OF 16 YEARS;**

12 (5) a person who is required to register under § 11–704(c) of this subtitle;
13 and

14 (6) a person who has been convicted more than once arising out of separate
15 incidents of a crime that requires registration under this subtitle.

16 (b) Except where a term of natural life without the possibility of parole is imposed,
17 a sentence for a violation of § 3–307(a)(1) or (2) of the Criminal Law Article may include a
18 term of lifetime sexual offender supervision.

19 (c) (1) Except as provided in paragraph (2) of this subsection, the term of
20 lifetime sexual offender supervision imposed on a person for a crime committed on or after
21 October 1, 2010, shall:

22 (i) be a term of life; and

23 (ii) commence on the expiration of the later of any term of
24 imprisonment, probation, parole, or mandatory supervision.

25 (2) For a person who is required to register under § 11–704(c) of this
26 subtitle, the term of lifetime sexual offender supervision imposed for an act committed on
27 or after October 1, 2010, shall:

28 (i) commence when the person's obligation to register commences;
29 and

30 (ii) expire when the person's obligation to register expires, unless the
31 juvenile court:

32 1. finds after a hearing that there is a compelling reason for
33 the supervision to continue; and

1 (ix) any other conditions deemed appropriate by the sentencing court
2 or juvenile court.

3 (4) The sentencing court or juvenile court may adjust the special conditions
4 of lifetime sexual offender supervision, in consultation with the person's sexual offender
5 management team.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
7 apply only prospectively and may not be applied or interpreted to have any effect on or
8 application to any conviction before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.