

# SENATE BILL 248

E1  
HB 1143/12 – JUD

3lr1866  
CF 3lr1792

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By: **Senators Brochin and Stone**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Home Invasion Violent Crime and Armed Home Invasion**  
3 **Violent Crime**

4 FOR the purpose of prohibiting a person from breaking and entering the dwelling of  
5 another and committing a violent crime against a certain victim; prohibiting a  
6 person from employing or displaying a dangerous weapon during the  
7 commission of a home invasion violent crime; establishing certain criminal  
8 penalties; authorizing a sentence imposed under this Act to be separate from  
9 and consecutive to a sentence for any other crime that arises from the conduct  
10 underlying the home invasion violent crime or armed home invasion violent  
11 crime; defining a certain term; altering a certain definition; and generally  
12 relating to the prohibition of home invasion violent crimes.

13 BY adding to

14 Article – Criminal Law  
15 Section 3–1001 to be under the new subtitle “Subtitle 10. Home Invasion  
16 Violent Crime”  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Criminal Law  
21 Section 14–101(a)  
22 Annotated Code of Maryland  
23 (2012 Replacement Volume and 2012 Supplement)

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

26 **Article – Criminal Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                                   **SUBTITLE 10. HOME INVASION VIOLENT CRIME.**2   **3-1001.**3           **(A) IN THIS SECTION, "VIOLENT CRIME" MEANS:**4                   **(1) ABDUCTION;**5                   **(2) ARSON IN THE FIRST DEGREE;**6                   **(3) KIDNAPPING;**7                   **(4) MANSLAUGHTER, EXCEPT INVOLUNTARY MANSLAUGHTER;**8                   **(5) MAYHEM;**9                   **(6) MAIMING, AS PREVIOUSLY PROSCRIBED UNDER FORMER**  
10 **ARTICLE 27, §§ 385 AND 386 OF THE CODE;**11                   **(7) MURDER;**12                   **(8) RAPE;**13                   **(9) ROBBERY UNDER § 3-402 OR § 3-403 OF THIS TITLE;**14                   **(10) CARJACKING;**15                   **(11) ARMED CARJACKING;**16                   **(12) SEXUAL OFFENSE IN THE FIRST DEGREE;**17                   **(13) SEXUAL OFFENSE IN THE SECOND DEGREE;**18                   **(14) USE OF A HANDGUN IN THE COMMISSION OF A FELONY OR**  
19 **OTHER CRIME OF VIOLENCE;**20                   **(15) CHILD ABUSE IN THE FIRST DEGREE UNDER § 3-601 OF THIS**  
21 **TITLE;**22                   **(16) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THIS TITLE IF:**23                           **(I) THE VICTIM IS UNDER THE AGE OF 13 YEARS AND THE**  
24 **OFFENDER IS AN ADULT AT THE TIME OF THE OFFENSE; AND**

1 (II) THE OFFENSE INVOLVED:

2 1. VAGINAL INTERCOURSE, AS DEFINED IN § 3-301  
3 OF THIS TITLE;

4 2. A SEXUAL ACT, AS DEFINED IN § 3-301 OF THIS  
5 TITLE;

6 3. AN ACT IN WHICH A PART OF THE OFFENDER'S  
7 BODY PENETRATES, HOWEVER SLIGHTLY, INTO THE VICTIM'S GENITAL OPENING  
8 OR ANUS; OR

9 4. THE INTENTIONAL TOUCHING, NOT THROUGH THE  
10 CLOTHING, OF THE VICTIM'S OR THE OFFENDER'S GENITAL, ANAL, OR OTHER  
11 INTIMATE AREA FOR SEXUAL AROUSAL, GRATIFICATION, OR ABUSE;

12 (17) AN ATTEMPT TO COMMIT ANY OF THE CRIMES DESCRIBED IN  
13 ITEMS (1) THROUGH (16) OF THIS SUBSECTION;

14 (18) CONTINUING COURSE OF CONDUCT WITH A CHILD UNDER  
15 § 3-315 OF THIS TITLE;

16 (19) ASSAULT IN THE FIRST DEGREE;

17 (20) ASSAULT WITH INTENT TO MURDER;

18 (21) ASSAULT WITH INTENT TO RAPE;

19 (22) ASSAULT WITH INTENT TO ROB;

20 (23) ASSAULT WITH INTENT TO COMMIT A SEXUAL OFFENSE IN THE  
21 FIRST DEGREE; AND

22 (24) ASSAULT WITH INTENT TO COMMIT A SEXUAL OFFENSE IN THE  
23 SECOND DEGREE.

24 (B) (1) A PERSON MAY NOT BREAK AND ENTER THE DWELLING OF  
25 ANOTHER AND COMMIT A VIOLENT CRIME AGAINST A VICTIM WHO IS A LAWFUL  
26 OCCUPANT OF THE DWELLING.

27 (2) A VIOLATION OF THIS SUBSECTION IS A HOME INVASION  
28 VIOLENT CRIME.

1           **(C) (1) A PERSON MAY NOT EMPLOY OR DISPLAY A DANGEROUS**  
2 **WEAPON DURING THE COMMISSION OF A HOME INVASION VIOLENT CRIME.**

3           **(2) A VIOLATION OF THIS SUBSECTION IS AN ARMED HOME**  
4 **INVASION VIOLENT CRIME.**

5           **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY**  
6 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.**

7           **(E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE**  
8 **FROM AND CONSECUTIVE TO A SENTENCE FOR ANY OTHER CRIME THAT ARISES**  
9 **FROM THE CONDUCT UNDERLYING THE HOME INVASION VIOLENT CRIME OR**  
10 **ARMED HOME INVASION VIOLENT CRIME.**

11 14–101.

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

13           (1) abduction;

14           (2) arson in the first degree;

15           (3) kidnapping;

16           (4) manslaughter, except involuntary manslaughter;

17           (5) mayhem;

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

20           (7) murder;

21           (8) rape;

22           (9) robbery under § 3–402 or § 3–403 of this article;

23           (10) carjacking;

24           (11) armed carjacking;

25           (12) sexual offense in the first degree;

26           (13) sexual offense in the second degree;

- 1                   (14) use of a handgun in the commission of a felony or other crime of  
2 violence;
- 3                   (15) child abuse in the first degree under § 3–601 of this article;
- 4                   (16) sexual abuse of a minor under § 3–602 of this article if:
- 5                               (i) the victim is under the age of 13 years and the offender is an  
6 adult at the time of the offense; and
- 7                               (ii) the offense involved:
- 8                                       1. vaginal intercourse, as defined in § 3–301 of this  
9 article;
- 10                                      2. a sexual act, as defined in § 3–301 of this article;
- 11                                      3. an act in which a part of the offender’s body  
12 penetrates, however slightly, into the victim’s genital opening or anus; or
- 13                                      4. the intentional touching, not through the clothing, of  
14 the victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,  
15 gratification, or abuse;
- 16                   (17) an attempt to commit any of the crimes described in items (1)  
17 through (16) of this subsection;
- 18                   (18) continuing course of conduct with a child under § 3–315 of this  
19 article;
- 20                   (19) assault in the first degree;
- 21                   (20) assault with intent to murder;
- 22                   (21) assault with intent to rape;
- 23                   (22) assault with intent to rob;
- 24                   **(23) HOME INVASION VIOLENT CRIME UNDER § 3–1001 OF THIS**  
25 **ARTICLE;**
- 26                   **(24) ARMED HOME INVASION VIOLENT CRIME UNDER § 3–1001 OF**  
27 **THIS ARTICLE;**
- 28                   [~~(23)~~] **(25)** assault with intent to commit a sexual offense in the first  
29 degree; and

1                    **[(24)] (26)** assault with intent to commit a sexual offense in the second  
2 degree.

3                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2013.