

SENATE BILL 742

E1
SB 248/13 – JPR

4r2899
CF HB 807

By: **Senators Forehand, Shank, and Stone**
Introduced and read first time: January 31, 2014
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Home Invasion and Armed Home Invasion**

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 person in the dwelling;
5 prohibiting a person from employing or displaying a dangerous weapon during
6 the commission of a home invasion; establishing a unit of prosecution for a
7 certain violation; establishing certain criminal penalties; authorizing a sentence
8 imposed under this Act to be separate from and consecutive to a sentence for
9 any other crime that arises from the conduct underlying the home invasion or
10 armed home invasion; defining certain terms; altering a certain definition; and
11 generally relating to the prohibition against home invasion.

12 BY adding to

13 Article – Criminal Law
14 Section 3–1001 and 3–1002 to be under the new subtitle “Subtitle 10. Home
15 Invasion”
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Criminal Law
20 Section 14–101(a)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2013 Supplement)

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

25 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

SUBTITLE 10. HOME INVASION.2 **3-1001.**

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (B) "BREAK" RETAINS ITS JUDICIALLY DETERMINED MEANING EXCEPT
6 TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY CHANGED IN
7 THIS SUBTITLE.

8 (C) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14-101 OF
9 THIS ARTICLE.

10 (D) "DWELLING" RETAINS ITS JUDICIALLY DETERMINED MEANING
11 EXCEPT TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY
12 CHANGED IN THIS SUBTITLE.

13 (E) "ENTER" RETAINS ITS JUDICIALLY DETERMINED MEANING EXCEPT
14 TO THE EXTENT THAT ITS MEANING IS EXPRESSLY OR IMPLIEDLY CHANGED IN
15 THIS SUBTITLE.

16 **3-1002.**

17 (A) A PERSON MAY NOT:

18 (1) BREAK AND ENTER THE DWELLING OF ANOTHER IF THE
19 PERSON KNOWS OR HAS REASON TO KNOW THAT ONE OR MORE OTHER PERSONS
20 ARE PRESENT IN THE DWELLING; AND

21 (2) COMMIT A CRIME OF VIOLENCE AGAINST A PERSON IN THE
22 DWELLING.

23 (B) A PERSON MAY NOT EMPLOY OR DISPLAY A DANGEROUS WEAPON
24 DURING THE COMMISSION OF A HOME INVASION UNDER SUBSECTION (A) OF
25 THIS SECTION.

26 (C) THE UNIT OF PROSECUTION FOR A VIOLATION OF THIS SECTION IS
27 BASED ON THE NUMBER OF PERSONS IN THE DWELLING AT THE TIME OF THE
28 HOME INVASION.

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

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

5 14–101.

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

7 (1) abduction;

8 (2) arson in the first degree;

9 (3) kidnapping;

10 (4) manslaughter, except involuntary manslaughter;

11 (5) mayhem;

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

14 (7) murder;

15 (8) rape;

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

17 (10) carjacking;

18 (11) armed carjacking;

19 (12) sexual offense in the first degree;

20 (13) sexual offense in the second degree;

21 (14) use of a handgun in the commission of a felony or other crime of
22 violence;

23 (15) child abuse in the first degree under § 3–601 of this article;

24 (16) sexual abuse of a minor under § 3–602 of this article if:

25 (i) the victim is under the age of 13 years and the offender is an
26 adult at the time of the offense; and

- 1 (ii) the offense involved:
- 2 1. vaginal intercourse, as defined in § 3–301 of this
3 article;
- 4 2. a sexual act, as defined in § 3–301 of this article;
- 5 3. an act in which a part of the offender’s body
6 penetrates, however slightly, into the victim’s genital opening or anus; or
- 7 4. the intentional touching, not through the clothing, of
8 the victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
9 gratification, or abuse;
- 10 (17) an attempt to commit any of the crimes described in items (1)
11 through (16) of this subsection;
- 12 (18) continuing course of conduct with a child under § 3–315 of this
13 article;
- 14 (19) assault in the first degree;
- 15 (20) assault with intent to murder;
- 16 (21) assault with intent to rape;
- 17 (22) assault with intent to rob;
- 18 **(23) HOME INVASION UNDER § 3–1002(A) OF THIS ARTICLE;**
- 19 **(24) ARMED HOME INVASION UNDER § 3–1002(B) OF THIS**
20 **ARTICLE;**
- 21 ~~[(23)]~~ **(25)** assault with intent to commit a sexual offense in the first
22 degree; and
- 23 ~~[(24)]~~ **(26)** assault with intent to commit a sexual offense in the second
24 degree.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2014.