

# HOUSE BILL 820

E1, D4

11r1609  
CF SB 651

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By: **Delegates Dumais, Glenn, Anderson, Aumann, Barnes, Bobo, Clippinger, DeBoy, Feldman, Frush, Haddaway-Riccio, Jameson, Jones, Kaiser, A. Kelly, Lafferty, Lee, Love, Malone, McIntosh, Mitchell, B. Robinson, S. Robinson, Stocksedale, Valderrama, Valentino-Smith, and Washington**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Domestic Violence Assault**

3 FOR the purpose of establishing the offense of domestic violence assault; establishing  
4 certain penalties for a violation of this Act; establishing certain penalties for a  
5 second or subsequent violation of this Act against the same victim; prohibiting a  
6 court from suspending any part of certain mandatory minimum sentences;  
7 requiring the State to notify a certain defendant within a certain period of time  
8 before the trial if the State intends to seek a mandatory minimum sentence;  
9 defining a certain term; and generally relating to the offense of domestic  
10 violence assault.

11 BY repealing and reenacting, without amendments,  
12 Article – Criminal Law  
13 Section 3–201(a) and (b)  
14 Annotated Code of Maryland  
15 (2002 Volume and 2010 Supplement)

16 BY adding to  
17 Article – Criminal Law  
18 Section 3–203.1  
19 Annotated Code of Maryland  
20 (2002 Volume and 2010 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**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-201.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) "Assault" means the crimes of assault, battery, and assault and battery,  
4 which retain their judicially determined meanings.

5 **3-203.1.**

6 (A) IN THIS SECTION, "DOMESTIC VIOLENCE ASSAULT" MEANS AN  
7 ASSAULT COMMITTED AGAINST:

8 (1) THE SPOUSE OR A FORMER SPOUSE OF THE DEFENDANT;

9 (2) A PERSON WITH WHOM THE DEFENDANT IS COHABITING;

10 (3) A PERSON WHO HAS A CHILD IN COMMON WITH THE  
11 DEFENDANT;

12 (4) THE FIANCEE OF THE DEFENDANT; OR

13 (5) A PERSON WITH WHOM THE DEFENDANT CURRENTLY HAS, OR  
14 PREVIOUSLY HAS HAD, A DATING OR AN ENGAGEMENT RELATIONSHIP.

15 (B) A PERSON MAY NOT COMMIT A DOMESTIC VIOLENCE ASSAULT.

16 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
17 SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE  
18 MISDEMEANOR OF DOMESTIC VIOLENCE ASSAULT AND ON CONVICTION IS  
19 SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT  
20 EXCEEDING \$2,500 OR BOTH.

21 (2) (I) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF  
22 THE MISDEMEANOR OF DOMESTIC VIOLENCE ASSAULT AND ON CONVICTION IS  
23 SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 30 DAYS AND NOT EXCEEDING  
24 10 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH IF THE PERSON WAS  
25 PREVIOUSLY CONVICTED WITHIN 1 YEAR OF THE CONVICTION UNDER THIS  
26 SECTION OF CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR  
27 COMMITTING A VIOLATION OF § 3-202, § 3-203, § 3-204, § 3-303, § 3-304, §  
28 3-305, § 3-306, § 3-307, § 3-308, § 3-309, § 3-310, § 3-311, § 3-312, § 3-321, §  
29 3-322, OR § 3-502 AGAINST THE SAME VICTIM.

1                   **(II) A COURT MAY NOT SUSPEND ANY PART OF THE**  
2 **MANDATORY MINIMUM SENTENCE OF 30 DAYS.**

3                   **(3) (I) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF**  
4 **THE FELONY OF DOMESTIC VIOLENCE ASSAULT AND ON CONVICTION IS**  
5 **SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT EXCEEDING**  
6 **10 YEARS OR A FINE NOT EXCEEDING \$7,500 OR BOTH IF THE PERSON WAS**  
7 **PREVIOUSLY CONVICTED ON TWO OR MORE OCCASIONS OF CONSPIRING TO**  
8 **COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3-202, §**  
9 **3-203, § 3-204, § 3-303, § 3-304, § 3-305, § 3-306, § 3-307, § 3-308, § 3-309, §**  
10 **3-310, § 3-311, § 3-312, § 3-321, § 3-322, OR § 3-502 AGAINST THE SAME**  
11 **VICTIM.**

12                   **(II) A COURT MAY NOT SUSPEND ANY PART OF THE**  
13 **MANDATORY MINIMUM SENTENCE OF 1 YEAR.**

14                   **(D) IF THE STATE INTENDS TO SEEK A MANDATORY MINIMUM**  
15 **SENTENCE UNDER SUBSECTION (C) OF THIS SECTION, THE STATE SHALL NOTIFY**  
16 **THE PERSON IN WRITING OF THE STATE’S INTENTION AT LEAST 30 DAYS**  
17 **BEFORE TRIAL.**

18                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2011.