

HOUSE BILL 1146

D4, E2

(2lr0948)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Dumais, Simmons, Anderson, Arora, Barnes, Clippinger, Glenn, Hough, K. Kelly, Krebs, Lee, McComas, McDermott, Mitchell, and Waldstreicher**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Domestically Related Crimes – Reporting**

3 FOR the purpose of requiring the court, on request of the State’s Attorney, to
4 ~~determine~~ make a certain finding as to whether a crime for which a defendant is
5 convicted or receives a probation before judgment disposition is a domestically
6 related crime; establishing that the State has the burden of proving by a
7 preponderance of the evidence that the crime is a domestically related crime;
8 requiring a finding by the court that a crime is a domestically related crime to
9 become part of the court record for certain purposes; expanding the list of events
10 that are required to be reported to the Criminal Justice Information System
11 Central Repository to include a finding by a court that a defendant has been
12 convicted of or received a probation before judgment disposition for a

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.

Italics indicate opposite chamber/conference committee amendments.



1 domestically related crime; defining a certain term; and generally relating to
2 the reporting of domestically related crimes.

3 BY adding to
4 Article – Criminal Procedure
5 Section 6–233
6 Annotated Code of Maryland
7 (2008 Replacement Volume and 2011 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Procedure
10 Section 10–215
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Family Law
15 Section 4–501(a) and (m)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2011 Supplement)

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

20 **Article – Criminal Procedure**

21 **6–233.**

22 (A) IN THIS SECTION, “DOMESTICALLY RELATED CRIME” MEANS A
23 CRIME COMMITTED BY A DEFENDANT AGAINST A VICTIM WHO IS A PERSON
24 ELIGIBLE FOR RELIEF, AS DEFINED IN § 4–501 OF THE FAMILY LAW ARTICLE,
25 OR WHO HAD A SEXUAL RELATIONSHIP WITH THE DEFENDANT WITHIN 12
26 MONTHS BEFORE THE COMMISSION OF THE CRIME.

27 (B) (1) IF A DEFENDANT IS CONVICTED OF OR RECEIVES A
28 PROBATION BEFORE JUDGMENT DISPOSITION FOR A CRIME, ON REQUEST OF
29 THE STATE’S ATTORNEY, THE COURT SHALL ~~DETERMINE~~ MAKE A FINDING OF
30 FACT, BASED ON EVIDENCE PRODUCED AT TRIAL, AS TO WHETHER THE CRIME IS
31 A DOMESTICALLY RELATED CRIME.

32 (2) THE STATE HAS THE BURDEN OF PROVING BY A
33 PREPONDERANCE OF THE EVIDENCE THAT THE CRIME IS A DOMESTICALLY
34 RELATED CRIME.

1 **(C) IF THE COURT ~~DETERMINES~~ FINDS THAT THE CRIME IS A**
2 **DOMESTICALLY RELATED CRIME UNDER SUBSECTION (B) OF THIS SECTION,**
3 **THAT FINDING SHALL BECOME PART OF THE COURT RECORD FOR PURPOSES OF**
4 **REPORTING TO THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL**
5 **REPOSITORY UNDER § 10–215 OF THIS ARTICLE.**

6 10–215.

7 (a) The following events are reportable events under this subtitle that must
8 be reported to the Central Repository in accordance with § 10–214 of this subtitle:

- 9 (1) the issuance or withdrawal of an arrest warrant;
- 10 (2) an arrest;
- 11 (3) the filing of a charging document;
- 12 (4) a release pending trial or an appeal;
- 13 (5) a commitment to an institution of pretrial detention;
- 14 (6) the dismissal of an indictment or criminal information;
- 15 (7) a nolle prosequi;
- 16 (8) the marking of a charge “stet” on the docket;
- 17 (9) an acquittal, conviction, verdict of not criminally responsible, or
18 any other disposition of a case at or following trial, including a finding of probation
19 before judgment;
- 20 (10) the imposition of a sentence;
- 21 (11) a commitment to a State correctional facility or local correctional
22 facility;
- 23 (12) a commitment to the Department of Health and Mental Hygiene
24 under § 3–105 or § 3–111 of this article as incompetent to stand trial or not criminally
25 responsible;
- 26 (13) a release from detention or confinement;
- 27 (14) a conditional release, revocation of conditional release, or discharge
28 of a person committed to the Department of Health and Mental Hygiene under §
29 3–105 or § 3–111 of this article as incompetent to stand trial or not criminally
30 responsible;

1 (15) an escape from confinement or commitment;

2 (16) a pardon, reprieve, commutation of a sentence, or other change in a
3 sentence, including a change in a sentence that a court orders;

4 (17) an entry of an appeal to an appellate court;

5 (18) a judgment of an appellate court;

6 (19) an order of a court in a collateral proceeding that affects a person's
7 conviction, sentence, or confinement;

8 (20) an adjudication of a child as delinquent:

9 (i) if the child is at least 14 years old, for an act described in §
10 3-8A-03(d)(1) of the Courts Article; or

11 (ii) if the child is at least 16 years old, for an act described in §
12 3-8A-03(d)(4) or (5) of the Courts Article;

13 (21) the issuance or withdrawal of a writ of attachment by a juvenile
14 court;

15 (22) the initial registration of a person under Title 11, Subtitle 7 of this
16 article;

17 (23) the imposition of lifetime sexual offender supervision under Title
18 11, Subtitle 7 of this article; [and]

19 **(24) A FINDING THAT A DEFENDANT HAS BEEN CONVICTED OF OR**
20 **RECEIVED A PROBATION BEFORE JUDGMENT DISPOSITION FOR A**
21 **DOMESTICALLY RELATED CRIME UNDER § 6-233 OF THIS ARTICLE; AND**

22 **[(24)] (25)** any other event arising out of or occurring during the course
23 of a criminal proceeding that the Secretary by regulation or the Court of Appeals by
24 rule makes a reportable event.

25 (b) To avoid duplication in the reporting of criminal history record
26 information, the Secretary by regulation and the Court of Appeals by rule may
27 determine those reportable events described under subsection (a) of this section to be
28 reported by each criminal justice unit to the Central Repository.

29 **Article - Family Law**

30 4-501.

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

2 (m) "Person eligible for relief" includes:

3 (1) the current or former spouse of the respondent;

4 (2) a cohabitant of the respondent;

5 (3) a person related to the respondent by blood, marriage, or adoption;

6 (4) a parent, stepparent, child, or stepchild of the respondent or the
7 person eligible for relief who resides or resided with the respondent or person eligible
8 for relief for at least 90 days within 1 year before the filing of the petition;

9 (5) a vulnerable adult; or

10 (6) an individual who has a child in common with the respondent.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.