

**A004-0405**

10 AN ACT CONCERNING

20 **Criminal Law – Child Kidnapping – Penalties**

30 **FOR** the purpose of eliminating certain age discrepancies in crimes involving child kidnapping;  
40 establishing certain minimum penalties for certain offenders in crimes involving child kidnapping;  
50 increasing the maximum penalties for certain offenders in crimes involving child kidnapping;  
60 establishing a minimum and maximum penalty for certain subsequent offenders; and generally  
70 relating to guidelines and penalties for child kidnapping crimes.

80 **BY** repealing and reenacting, with amendments

90 Article – Criminal Law

100 Section 3-503

110 Annotated Code of Maryland

120 **SECTION 1.** BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the  
130 Laws of Maryland read as follows:

140 **§ 3-503. Child kidnapping.**

150 (a) Prohibited.-

160 (1) A person may not, without color of right:

170 (i) forcibly abduct, take, or carry away a child under the age of ~~12~~ 16 years  
180 from:

190 1. the home or usual place of abode of the child; or

200 2. the custody and control of the child's parent or legal guardian;

210 (ii) without the consent of the child's parent or legal guardian, persuade or  
220 entice a child under the age of ~~12~~ 16 years from:

230 1. the child's home or usual place of abode; or

240 2. the custody and control of the child's parent or legal guardian;  
250 or

260 (iii) with the intent of depriving the child's parent or legal guardian, or any  
270 person lawfully possessing the child, of the custody, care, and control  
280 of the child, knowingly secrete or harbor a child under the age of ~~12~~ 16  
290 years.

300 (2) ~~In addition to the prohibitions provided under paragraph (1) of this subsection, a~~  
310 ~~person may not, by force or fraud, kidnap, steal, take, or carry away a child~~  
320 ~~under the age of 16 years.~~

330 (b) Penalty.-

340 (1) EXCEPT AS PROVIDED UNDER PARAGRAPHS (2) AND (3) OF THIS  
350 SUBSECTION, ~~A~~ a person who violates subsection (a)(1) of this section is

360 guilty of a felony and on conviction ~~is subject to imprisonment~~ SHALL  
370 RECEIVE A SENTENCE FOR IMPRISONMENT FOR NO LESS THAN 15  
380 YEARS WITHOUT THE POSSIBILITY OF PAROLE, BUT not exceeding ~~20~~  
390 30 years WITHOUT THE POSSIBILITY OF PAROLE.

400 (2) (i) ~~Except as provided under subparagraph (ii) of this paragraph, a person,~~  
410 ~~other than a parent of the child, who violates subsection (a)(2) of this~~  
420 ~~section is guilty of a felony and on conviction is subject to~~  
430 ~~imprisonment not exceeding 30 years.~~

440 (2) (ii) ~~1-~~ If a person convicted under subsection (a)(2) of this section is  
450 convicted in the same proceeding of rape or a first degree  
460 sexual offense under Subtitle 3 of this title, the person is guilty  
470 of a felony and on conviction ~~is subject to imprisonment~~  
480 SHALL RECEIVE A SENTENCE FOR IMPRISONMENT  
490 FOR NO LESS THAN 20 YEARS WITHOUT THE  
500 POSSIBILITY OF PAROLE, BUT not exceeding life without  
510 the possibility of parole.

520 (3) IF A PERSON PERVIOUSLY CONVICTED UNDER SUBSECTION (A) OF  
530 THIS SECTION IS SUBSEQUENTLY CONVICTED FOR A SEPARATE  
540 OFFENSE UNDER SUBSECTION (A) OF THIS SECTION THE PERSON IS  
550 GUILTY OF A FELONY AND ON CONVICTION SHALL RECEIVE A  
560 SENTENCE FOR IMPRISONMENT FOR NO LESS THAN 25 YEARS  
570 WITHOUT THE POSSIBILITY OF PAROLE, BUT NOT EXCEEDING LIFE  
580 WITHOUT THE POSSIBILITY OF PAROLE.

590 (4) ~~2-~~ If the State intends to seek a sentence of imprisonment for life  
600 without the possibility of parole under ~~sub-subparagraph 1 (2)~~  
610 OR (3) of this ~~subparagraph~~ SUBSECTION, the State shall  
620 notify the person in writing of the State's intent at least 30  
630 days before trial.

640 **SECTION 2.** BE IT FURTHER ENACTED, That this Act takes effect October 1, 2005.

650 **MANDATES:**

660 Robert L. Ehrlich, Jr., Governor  
670 Mary Ann Saar, Secretary of Public Safety & Correctional Services  
680 Brian E. Frosh, Chair, Senate Judicial Proceedings Committee  
690 Joseph F. Vallario, Jr., Chair, Judiciary Committee  
700 Nathaniel J. McFadden, Senate Majority Leader  
710 J. Lowell Stolultz, Senate Minority Leader  
720 Kumar P. Barve, House Majority Leader  
730 George C. Edwards, House Minority Leader  
740 Michael D. Smigiel, Sr., House Minority Whip

**Sponsor:**

Dan Holler, Tory Caucus Leader, Washington College

**Co-Sponsors:**

Daniel Bowen, Tory Caucus Whip, University of Maryland, College Park  
Holly Brownley, Co-DCP, St. Mary's College  
Craig Reynolds, VDCP, Anne Arundel Community College  
Matthew Penick, University of Maryland, Baltimore County