



SPONSOR: Rep. Longhurst

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2
TO
HOUSE BILL NO. 5

AMEND House Bill No. 5 by deleting lines 3 through 49 in their entirety and inserting in lieu thereof the following:

“§ 3901 Fixing term of imprisonment; credits.

(d) The court shall direct whether the sentence of confinement of any criminal defendant by any court of this State shall be made to run concurrently or consecutively with any other sentence of confinement imposed on such criminal defendant. Notwithstanding the foregoing, no sentence of confinement of any criminal defendant by any court of this State shall be made to run concurrently with any other sentence of confinement imposed on such criminal defendant for any conviction of the following crimes:

<u>Title 11, Section</u>	<u>Crime</u>
606	Abuse of a pregnant female in the first degree
613	Assault in the first degree
632	Manslaughter
635	Murder in the second degree
636	Murder in the first degree
772	Rape in the second degree
773	Rape in the first degree
777A	Sex offender unlawful sexual conduct against a child
778(1), (2) or (3)	Sexual abuse of a child by a person in a position of trust, authority or supervision in
the first degree	
783	Kidnapping in the second degree
783A	Kidnapping in the first degree
803	Arson in the first degree

24 825 _____ Burglary in the second degree

25 826 _____ Burglary in the first degree

26 826A _____ Home invasion

27 832 _____ Robbery in the first degree

28 836 _____ Carjacking in the first degree

29 1254 _____ Assault in a detention facility

30 1447A _____ Possession of a firearm during the commission of a felony or for any sentence for

31 possession of a firearm by a person prohibited where the criminal defendant was previously convicted of a Title 11 violent

32 felony.

33 1447A _____ Possession of a firearm during the commission of a felony if the firearm was

34 used, displayed, or discharged during the commission of a Title 11 or Title 31 violent felony as set forth in § 4201(c) of this

35 title.

36 Notwithstanding the foregoing, where there are multiple victims, any sentence for each victim shall be consecutive

37 to one another for the following crimes:

38	<u>Title 11, Section.</u>	<u>Crime</u>
39	<u>632</u>	<u>Manslaughter</u>

40 (e) For purposes of this section, "Title 11 violent felony" means any Title 11 offense identified in § 4201(c) of this

41 title, or any offense set forth under the laws of the United States, any other state or any territory of the United States which

42 is the same as or equivalent to any of the offenses designated as a Title 11 offense identified in § 4201(c) of this title."

SYNOPSIS

This amendment clarifies those crimes for which a judge may exercise his or her discretion and impose concurrent sentencing. This amendment also clarifies those crimes for which a judge can only impose consecutive sentences.