

This change is stylistic and conforms this section to the new burglary offenses established in this bill. This change essentially retains the current law in this area.

410.

All murder which shall be committed in the perpetration of, or attempt to perpetrate, any rape in any degree, sexual offense in the first or second degree, sodomy, mayhem, robbery, [burglary,] BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE, kidnapping as defined in §§ 337 and 338 of this article, [storehouse breaking as defined in §§ 32 and 33 of this article, or daytime housebreaking as defined in § 30 (b) of this article,] or in the escape or attempt to escape from the Maryland Penitentiary, the house of correction, the Baltimore City Detention Center, or from any jail or penal institution in any of the counties of this State, shall be murder in the first degree.

COMMITTEE NOTE:

This change is stylistic and conforms this section to the new burglary offenses established in this bill. This change essentially retains the current law in this area.

441.

(e) The term "crime of violence" means abduction; arson in the first degree; [burglary, including common-law and all statutory and storehouse forms of burglary offenses;] BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE; escape; [housebreaking;] kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual offense in the first degree; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

COMMITTEE NOTE:

This change is stylistic and conforms this section to the new burglary offenses established in this bill. This change essentially retains the current law in this area.

462.

(a) A person is guilty of rape in the first degree if the person engages in vaginal intercourse with another person by force or threat of force against the will and without the consent of the other person and:

(5) The person commits the offense in connection with [the breaking and entering of a dwelling house] BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE.

COMMITTEE NOTE:

This change is primarily stylistic and is intended to conform this section to the new burglary offenses established in this bill. However, this change also expands the current law in this area by making this section applicable to an offense involving the breaking and entering of a storehouse (i.e., second degree burglary) as well as an offense involving the breaking and entering of a dwelling.