
By: **Delegates Montague, Grosfeld, Doory, Cole, and Dobson**

Introduced and read first time: February 15, 2002

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 25, 2002

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2002

CHAPTER 278

1 AN ACT concerning

2 **Sexual Crimes - Continuing Course of Conduct Against a Child**

3 FOR the purpose of prohibiting a person from engaging in a continuing course of
4 unlawful sexual conduct with a victim under a certain age under certain
5 circumstances; providing that a violation of this Act is a felony; providing a
6 certain penalty; providing that a sentence under this Act may be imposed
7 separate from and consecutive to or concurrent with a certain other sentence
8 under certain circumstances; providing that a person may not be charged under
9 this Act under certain circumstances; providing that a person who is charged
10 under this Act may not be charged for certain other sexual crimes under certain
11 circumstances; making certain provisions relating to sexual crimes applicable to
12 the crime; and generally relating to sexual crimes and a continuing course of
13 conduct against a child.

14 BY renumbering

15 Article - Criminal Law

16 Section 3-314 through 3-321, respectively

17 to be Section 3-315 through 3-322, respectively

18 Annotated Code of Maryland

19 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
20 2002)

21 BY adding to

22 Article - Criminal Law

23 Section 3-314

24 Annotated Code of Maryland

1 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
2 2002)

3 BY repealing and reenacting, with amendments,
4 Article - Criminal Law
5 Section 3-315 and 3-319
6 Annotated Code of Maryland
7 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
8 2002)
9 (As enacted by Section 1 of this Act)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That Section(s) 3-314 through 3-321, respectively, of Article - Criminal
12 Law of the Annotated Code of Maryland (As enacted by Chapter _____ (H.B. 11) of the
13 Acts of the General Assembly of 2002) be renumbered to be Section(s) 3-315 through
14 3-322, respectively.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article - Criminal Law**

18 3-314.

19 (A) A PERSON MAY NOT ENGAGE IN A CONTINUING COURSE OF CONDUCT
20 WHICH INCLUDES THREE OR MORE ACTS THAT WOULD CONSTITUTE VIOLATIONS OF
21 § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE OVER A PERIOD OF 90
22 DAYS OR MORE, WITH A VICTIM WHO IS UNDER THE AGE OF 14 YEARS AT ANY TIME
23 DURING THE COURSE OF CONDUCT.

24 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
25 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.

26 (2) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE
27 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE UNDER § 3-601 OF
28 THIS TITLE.

29 (C) IN DETERMINING WHETHER THE REQUIRED NUMBER OF ACTS OCCURRED
30 IN VIOLATION OF THIS SECTION, THE TRIER OF FACT:

31 (1) MUST DETERMINE ONLY THAT THE REQUIRED NUMBER OF ACTS
32 OCCURRED; AND

33 (2) NEED NOT DETERMINE WHICH ACTS CONSTITUTE THE REQUIRED
34 NUMBER OF ACTS.

35 (D) (1) A PERSON MAY NOT BE CHARGED WITH A VIOLATION OF § 3-303, §
36 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE INVOLVING THE SAME VICTIM IN
37 THE SAME PROCEEDING AS A VIOLATION OF THIS SECTION UNLESS THE OTHER

1 VIOLATION CHARGED OCCURRED OUTSIDE THE TIME PERIOD CHARGED UNDER THIS
2 SECTION.

3 (2) A PERSON MAY NOT BE ~~SUBSEQUENTLY~~ CHARGED WITH A
4 VIOLATION OF § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE
5 INVOLVING THE SAME VICTIM UNLESS THE ~~SUBSEQUENT~~ VIOLATION CHARGED
6 OCCURRED OUTSIDE THE TIME PERIOD CHARGED UNDER THIS SECTION.

7 3-315.

8 If a person is transported with the intent to violate a provision of §§ 3-303
9 through [3-313] 3-314 of this subtitle, and the intent is followed by actual violation of
10 a provision of §§ 3-303 through [3-313] 3-314 of this subtitle, the defendant may be
11 tried in the appropriate court in a county where the transportation was offered,
12 solicited, begun, continued, or ended.

13 3-319.

14 In a criminal prosecution under §§ 3-303 through [3-313] 3-314 of this subtitle,
15 a judge may not instruct the jury:

16 (1) to examine the testimony of the prosecuting witness with caution,
17 solely because of the nature of the charge;

18 (2) that the charge is easily made or difficult to disprove, solely because
19 of the nature of the charge; or

20 (3) to follow another similar instruction, solely because of the nature of
21 the charge.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2002.