

SENATE BILL 135

E1
SB 461/10 – JPR

1lr1257

By: **Senator Stone**
Introduced and read first time: January 24, 2011
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Attempted Sexual Offense in the Third Degree – Penalties**

3 FOR the purpose of prohibiting a person from attempting to commit a sexual offense
4 in the third degree; providing criminal penalties for a violation of this Act; and
5 generally relating to sexual offenses in the third degree.

6 BY repealing and reenacting, without amendments,
7 Article – Criminal Law
8 Section 3–307
9 Annotated Code of Maryland
10 (2002 Volume and 2010 Supplement)

11 BY adding to
12 Article – Criminal Law
13 Section 3–312.1
14 Annotated Code of Maryland
15 (2002 Volume and 2010 Supplement)

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

18 **Article – Criminal Law**

19 3–307.

20 (a) A person may not:

21 (1) (i) engage in sexual contact with another without the consent of
22 the other; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (ii) 1. employ or display a dangerous weapon, or a physical
2 object that the victim reasonably believes is a dangerous weapon;

3 2. suffocate, strangle, disfigure, or inflict serious
4 physical injury on the victim or another in the course of committing the crime;

5 3. threaten, or place the victim in fear, that the victim,
6 or an individual known to the victim, imminently will be subject to death, suffocation,
7 strangulation, disfigurement, serious physical injury, or kidnapping; or

8 4. commit the crime while aided and abetted by another;

9 (2) engage in sexual contact with another if the victim is a mentally
10 defective individual, a mentally incapacitated individual, or a physically helpless
11 individual, and the person performing the act knows or reasonably should know the
12 victim is a mentally defective individual, a mentally incapacitated individual, or a
13 physically helpless individual;

14 (3) engage in sexual contact with another if the victim is under the age
15 of 14 years, and the person performing the sexual contact is at least 4 years older than
16 the victim;

17 (4) engage in a sexual act with another if the victim is 14 or 15 years
18 old, and the person performing the sexual act is at least 21 years old; or

19 (5) engage in vaginal intercourse with another if the victim is 14 or 15
20 years old, and the person performing the act is at least 21 years old.

21 (b) A person who violates this section is guilty of the felony of sexual offense
22 in the third degree and on conviction is subject to imprisonment not exceeding 10
23 years.

24 **3-312.1.**

25 (A) **A PERSON MAY NOT ATTEMPT TO COMMIT A SEXUAL OFFENSE IN**
26 **THE THIRD DEGREE.**

27 (B) **A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY**
28 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2011.