

Article - Criminal Law

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§3-319.

(a) Evidence relating to a victim's reputation for chastity or abstinence and opinion evidence relating to a victim's chastity or abstinence may not be admitted in a prosecution for:

- (1) a crime specified under this subtitle or a lesser included crime;
- (2) the sexual abuse of a minor under § 3-602 of this title or a lesser included crime; or
- (3) the sexual abuse of a vulnerable adult under § 3-604 of this title or a lesser included crime.

(b) Evidence of a specific instance of a victim's prior sexual conduct may be admitted in a prosecution described in subsection (a) of this section only if the judge finds that:

- (1) the evidence is relevant;
- (2) the evidence is material to a fact in issue in the case;
- (3) the inflammatory or prejudicial nature of the evidence does not outweigh its probative value; and
- (4) the evidence:
 - (i) is of the victim's past sexual conduct with the defendant;
 - (ii) is of a specific instance of sexual activity showing the source or origin of semen, pregnancy, disease, or trauma;
 - (iii) supports a claim that the victim has an ulterior motive to accuse the defendant of the crime; or
 - (iv) is offered for impeachment after the prosecutor has put the victim's prior sexual conduct in issue.

(c) (1) Evidence described in subsection (a) or (b) of this section may not be referred to in a statement to a jury or introduced in a trial unless the court has first held a closed hearing and determined that the evidence is admissible.

(2) The court may reconsider a ruling excluding the evidence and hold an additional closed hearing if new information is discovered during the course of the trial that may make the evidence admissible.

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