

SENATE BILL 129

E1

9lr1271

By: **Senator Lee**

Introduced and read first time: January 18, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Continuing Course of Conduct With a Child – Unit of**
3 **Prosecution**

4 FOR the purpose of establishing that acts constituting a continuing course of unlawful
5 sexual conduct with a victim under the age of 14 years that occur in different periods
6 of time are separate violations; and generally relating to the crime of continuing
7 course of conduct with a child.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–315
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2018 Supplement)

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

15 **Article – Criminal Law**

16 3–315.

17 (a) A person may not engage in a continuing course of conduct which includes
18 three or more acts that would constitute violations of § 3–303, § 3–304, or § 3–307 of this
19 subtitle, or violations of § 3–305 or § 3–306 of this subtitle as the sections existed before
20 October 1, 2017, over a period of 90 days or more, with a victim who is under the age of 14
21 years at any time during the course of conduct.

22 (b) (1) A person who violates this section is guilty of a felony and on conviction
23 is subject to imprisonment not exceeding 30 years.

24 (2) A sentence imposed under this section may be separate from and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 consecutive to or concurrent with a sentence under § 3–602 of this title.

2 (c) In determining whether the required number of acts occurred in violation of
3 this section, the trier of fact:

4 (1) must determine only that the required number of acts occurred; and

5 (2) need not determine which acts constitute the required number of acts.

6 (d) (1) A person may not be charged with a violation of § 3–303, § 3–304, or §
7 3–307 of this subtitle involving the same victim in the same proceeding as a violation of
8 this section unless the other violation charged occurred outside the time period charged
9 under this section.

10 (2) A person may not be charged with a violation of § 3–303, § 3–304, or §
11 3–307 of this subtitle involving the same victim unless the violation charged occurred
12 outside the time period charged under this section.

13 **(E) FOR PURPOSES OF PROSECUTION UNDER THIS SECTION, VIOLATIONS**
14 **OF SUBSECTION (A) OF THIS SECTION THAT OCCUR IN SEPARATE PERIODS OF 90**
15 **DAYS OR MORE SHALL BE CONSIDERED SEPARATE VIOLATIONS.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2019.