

By: Senator Ferguson

Requested: June 21, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Sexual Offenses - Death Penalty**

3 FOR the purpose of imposing certain penalties, including the death penalty under certain
4 circumstances, on any person who commits certain sexual offenses involving a child
5 under a certain age who is not related by blood, marriage, or adoption to that
6 person; providing that the penalty for such an offense be imprisonment for life
7 unless the State provides certain notice to the defendant; providing that the penalty
8 for such an offense be life imprisonment without the possibility of parole under
9 certain circumstances; adding to the list of aggravating circumstances that must be
10 considered by a court or jury when determining whether to impose a sentence of
11 death to include the circumstance in which a defendant commits certain sexual
12 offenses involving a child under a certain age who is not related by blood, marriage,
13 or adoption to the defendant; and generally relating to sexual offenses and the
14 death penalty.

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 412, 413, 462, 463, 464, 464A, 464B, and 464C
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

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

22 **Article 27 - Crimes and Punishments**

23 412.

24 (a) If a person is found guilty of murder, the court or jury that determined the
25 person's guilt shall state in the verdict whether the person is guilty of murder in the first
26 degree or murder in the second degree.

27 (b) Except as provided under subsection (f) of this section, a person WHO IS
28 found guilty of murder in the first degree OR OF VIOLATING ANY OF THE PROVISIONS
29 OF §§ 462 THROUGH 464C OF THIS ARTICLE FOR AN OFFENSE INVOLVING A CHILD
30 UNDER 16 YEARS OF AGE WHO IS NOT RELATED TO THE PERSON BY BLOOD,
31 MARRIAGE, OR ADOPTION shall be sentenced to death, imprisonment for life, or

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1 imprisonment for life without the possibility of parole. The sentence shall be
2 imprisonment for life unless: (1) (i) the State notified the person in writing at least 30
3 days prior to trial that it intended to seek a sentence of death, and advised the person of
4 each aggravating circumstance upon which it intended to rely, and (ii) a sentence of death
5 is imposed in accordance with § 413; or (2) the State notified the person in writing at least
6 30 days prior to trial that it intended to seek a sentence of imprisonment for life without
7 the possibility of parole under § 412 or § 413 of this article.

8 (c) (1) If a State's Attorney files or withdraws a notice of intent to seek a
9 sentence of death, the State's Attorney shall file a copy of the notice or withdrawal with
10 the clerk of the Court of Appeals.

11 (2) The validity of a notice of intent to seek a sentence of death that is
12 served on a defendant in a timely manner shall in no way be affected by the State's
13 Attorney's failure to file a copy of the death notice in a timely manner with the clerk of
14 the Court of Appeals.

15 (d) A person found guilty of murder in the second degree shall be sentenced to
16 imprisonment for not more than 30 years.

17 (e) Except as provided by § 413 of this article, the court shall decide whether to
18 impose a sentence of life imprisonment or life imprisonment without the possibility of
19 parole.

20 (f) (1) In this section, the following terms have the meanings indicated.

21 (2) "Imprisonment for life without the possibility of parole" means
22 imprisonment for the natural life of an inmate under the custody of a correctional
23 institution, including the Patuxent Institution.

24 (3) "Mentally retarded" means the individual has significantly subaverage
25 intellectual functioning as evidenced by an intelligence quotient of 70 or below on an
26 individually administered intelligence quotient test and impairment in adaptive behavior,
27 and the mental retardation is manifested before the individual attains the age of 22.

28 (g) (1) If a person found guilty of murder in the first degree was, at the time the
29 murder was committed, less than 18 years old or if the person establishes by a
30 preponderance of the evidence that the person was, at the time the murder was
31 committed, mentally retarded, the person shall be sentenced to imprisonment for life or
32 imprisonment for life without the possibility of parole and may not be sentenced to death.

33 (2) The sentence shall be imprisonment for life unless the State notified the
34 person in writing at least 30 days prior to trial that the State intended to seek a sentence
35 of imprisonment for life without the possibility of parole under this section or § 413 of this
36 article.

37 413.

38 (a) If a person is found guilty of murder in the first degree OR OF VIOLATING
39 ANY OF THE PROVISIONS OF §§ 462 THROUGH 464C OF THIS ARTICLE FOR AN
40 OFFENSE INVOLVING A CHILD UNDER 16 YEARS OF AGE WHO IS NOT RELATED TO
41 THE PERSON BY BLOOD, MARRIAGE, OR ADOPTION, and if the State had given the

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1 notice required under § 412(b), a separate sentencing proceeding shall be conducted as
2 soon as practicable after the trial has been completed to determine whether he shall be
3 sentenced to death.

4 (b) This proceeding shall be conducted:

5 (1) Before the jury that determined the defendant's guilt; or

6 (2) Before a jury impaneled for the purpose of the proceeding if:

7 (i) The defendant was convicted upon a plea of guilty;

8 (ii) The defendant was convicted after a trial before the court sitting
9 without a jury;

10 (iii) The jury that determined the defendant's guilt has been discharged
11 by the court for good cause; or

12 (iv) Review of the original sentence of death by a court of competent
13 jurisdiction has resulted in a remand for resentencing; or

14 (3) Before the court alone, if a jury sentencing proceeding is waived by the
15 defendant.

16 (c) (1) The following type of evidence is admissible in this proceeding:

17 (i) Evidence relating to any mitigating circumstance listed in
18 subsection (g) of this section;

19 (ii) Evidence relating to any aggravating circumstance listed in
20 subsection (d) of this section of which the State had notified the defendant pursuant to §
21 412(b) of this article;

22 (iii) Evidence of any prior criminal convictions, pleas of guilty or nolo
23 contendere, or the absence of such prior convictions or pleas, to the same extent
24 admissible in other sentencing procedures;

25 (iv) Any presentence investigation report. However, any
26 recommendation as to sentence contained in the report is not admissible; and

27 (v) Any other evidence that the court deems of probative value and
28 relevant to sentence, provided the defendant is accorded a fair opportunity to rebut any
29 statements.

30 (2) The State and the defendant or his counsel may present argument for or
31 against the sentence of death.

32 (3) After presentation of the evidence in a proceeding before a jury, in
33 addition to any other appropriate instructions permitted by law, the court shall instruct
34 the jury as to the findings it must make in order to determine whether the sentence shall
35 be death, imprisonment for life without the possibility of parole, or imprisonment for life,
36 and the burden of proof applicable to these findings in accordance with subsection (f) or
37 subsection (h) of this section.

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1 (d) In determining the sentence, the court or jury, as the case may be, shall first
2 consider whether, beyond a reasonable doubt, any of the following aggravating
3 circumstances exist:

4 (1) The victim was a law enforcement officer who was murdered while in the
5 performance of his duties;

6 (2) The defendant committed the murder at a time when he was confined in
7 any correctional institution;

8 (3) The defendant committed the murder in furtherance of an escape or an
9 attempt to escape from or evade the lawful custody, arrest, or detention of or by an officer
10 or guard of a correctional institution or by a law enforcement officer;

11 (4) The victim was taken or attempted to be taken in the course of a
12 kidnapping or abduction or an attempt to kidnap or abduct;

13 (5) The victim was a child abducted in violation of § 2 of this article;

14 (6) The defendant committed the murder pursuant to an agreement or
15 contract for remuneration or the promise of remuneration to commit the murder;

16 (7) The defendant engaged or employed another person to commit the
17 murder and the murder was committed pursuant to an agreement or contract for
18 remuneration or the promise of remuneration;

19 (8) At the time of the murder, the defendant was under sentence of death or
20 imprisonment for life;

21 (9) The defendant committed more than one offense of murder in the first
22 degree arising out of the same incident; [or]

23 (10) The defendant committed the murder while committing or attempting to
24 commit a carjacking, armed carjacking, robbery, arson in the first degree, rape or sexual
25 offense in the first degree; OR

26 (11) THE DEFENDANT COMMITTED A VIOLATION OF ANY OF THE
27 PROVISIONS OF §§ 462 THROUGH 464C OF THIS ARTICLE AND THE VICTIM WAS A
28 CHILD UNDER 16 YEARS OF AGE WHO IS NOT RELATED BY BLOOD, MARRIAGE, OR
29 ADOPTION TO THE DEFENDANT.

30 (e) As used in this section, the following terms have the meanings indicated unless
31 a contrary meaning is clearly intended from the context in which the term appears:

32 (1) The terms "defendant" and "person", except as those terms appear in
33 subsection (d)(7) of this section, include only a principal in the first degree.

34 (2) The term "correctional institution" includes any institution for the
35 detention or confinement of persons charged with or convicted of a crime, including
36 Patuxent Institution, any institution for the detention or confinement of juveniles charged
37 with or adjudicated as being delinquent, and any hospital in which the person was
38 confined pursuant to an order of a court exercising criminal jurisdiction.

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1 (3) (i) The term "law enforcement officer" has the meaning given in
2 Section 727 of Article 27.

3 (ii) The term "law enforcement officer", as used in subsection (d) of
4 this section, includes:

- 5 1. An officer serving in a probationary status;
- 6 2. A parole and probation officer;
- 7 3. A law enforcement officer of a jurisdiction outside of
8 Maryland; and
- 9 4. If the law enforcement officer is wearing the uniform worn by
10 the law enforcement officer while acting in an official capacity or is prominently
11 displaying his official badge or other insignia of office, a law enforcement officer privately
12 employed as a security officer or special policeman under the provisions of Article 41, §§
13 4-901 through 4-913 of the Code.

14 (4) "Imprisonment for life without the possibility of parole" means
15 imprisonment for the natural life of an inmate under the custody of a correctional
16 institution, including the Patuxent Institution.

17 (f) If the court or jury does not find, beyond a reasonable doubt, that one or more
18 of these aggravating circumstances exist, it shall state that conclusion in writing, and a
19 sentence of death may not be imposed.

20 (g) If the court or jury finds, beyond a reasonable doubt, that one or more of
21 these aggravating circumstances exist, it shall then consider whether, based upon a
22 preponderance of the evidence, any of the following mitigating circumstances exist:

23 (1) The defendant has not previously (i) been found guilty of a crime of
24 violence; (ii) entered a plea of guilty or nolo contendere to a charge of a crime of
25 violence; or (iii) had a judgment of probation on stay of entry of judgment entered on a
26 charge of a crime of violence. As used in this paragraph, "crime of violence" means
27 abduction, arson in the first degree, escape, kidnapping, manslaughter, except involuntary
28 manslaughter, mayhem, murder, robbery, carjacking or armed carjacking, or rape or
29 sexual offense in the first or second degree, or an attempt to commit any of these
30 offenses, or the use of a handgun in the commission of a felony or another crime of
31 violence.

32 (2) The victim was a participant in the defendant's conduct or consented to
33 the act which caused the victim's death.

34 (3) The defendant acted under substantial duress, domination or
35 provocation of another person, but not so substantial as to constitute a complete defense
36 to the prosecution.

37 (4) The murder was committed while the capacity of the defendant to
38 appreciate the criminality of his conduct or to conform his conduct to the requirements of
39 law was substantially impaired as a result of mental incapacity, mental disorder or
40 emotional disturbance.

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1 (5) The youthful age of the defendant at the time of the crime.

2 (6) The act of the defendant was not the sole proximate cause of the victim's
3 death.

4 (7) It is unlikely that the defendant will engage in further criminal activity
5 that would constitute a continuing threat to society.

6 (8) Any other facts which the jury or the court specifically sets forth in
7 writing that it finds as mitigating circumstances in the case.

8 (h) (1) If the court or jury finds that one or more of these mitigating
9 circumstances exist, it shall determine whether, by a preponderance of the evidence, the
10 aggravating circumstances outweigh the mitigating circumstances.

11 (2) If it finds that the aggravating circumstances outweigh the mitigating
12 circumstances, the sentence shall be death.

13 (3) If it finds that the aggravating circumstances do not outweigh the
14 mitigating circumstances, a sentence of death may not be imposed.

15 (i) The determination of the court or jury shall be in writing, and, if a jury, shall
16 be unanimous and shall be signed by the foreman.

17 (j) The determination of the court or jury shall state, specifically:

18 (1) Which, if any, aggravating circumstances it finds to exist;

19 (2) Which, if any, mitigating circumstances it finds to exist;

20 (3) Whether any aggravating circumstances found under subsection (d) of
21 this section outweigh the mitigating circumstances found under subsection (g) of this
22 section;

23 (4) Whether the aggravating circumstances found under subsection (d) do
24 not outweigh mitigating circumstances under subsection (g); and

25 (5) The sentence, determined in accordance with subsection (f) or (h).

26 (k) (1) If the jury determines that a sentence of death shall be imposed under
27 the provisions of this section, then the court shall impose a sentence of death.

28 (2) If the jury, within a reasonable time, is not able to agree as to whether a
29 sentence of death shall be imposed, the court may not impose a sentence of death.

30 (3) If the sentencing proceeding is conducted before a court without a jury,
31 the court shall determine whether a sentence of death shall be imposed under the
32 provisions of this section.

33 (4) If the court or jury determines that a sentence of death may not be
34 imposed, and the State did not give the notice required under § 412(b) of this article of
35 intention to seek a sentence of life imprisonment without the possibility of parole, the
36 court shall impose a sentence of life imprisonment.

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1 (5) If the State gives the notice required under § 412(b) of this article of
2 intention to seek a sentence of imprisonment for life without the possibility of parole but
3 does not give notice of intention to seek the death penalty, the court shall conduct a
4 separate sentencing proceeding as soon as practicable after the trial has been completed
5 to determine whether to impose a sentence of imprisonment for life or imprisonment for
6 life without the possibility of parole.

7 (6) If the State gives the notice required under § 412(b) of this article of
8 intention to seek the death penalty in addition to the notice of intention to seek a
9 sentence of imprisonment for life without the possibility of parole, and the court or jury
10 determines that a sentence of death may not be imposed under the provisions of this
11 section, that court or jury shall determine whether to impose a sentence of imprisonment
12 for life or imprisonment for life without the possibility of parole.

13 (7) (i) In determining whether to impose a sentence of imprisonment for
14 life without the possibility of parole, a jury shall agree unanimously on the imposition of
15 a sentence of imprisonment for life without the possibility of parole.

16 (ii) If the jury agrees unanimously to impose a sentence of
17 imprisonment for life without the possibility of parole, the court shall impose a sentence
18 of imprisonment for life without the possibility of parole.

19 (iii) If the jury, within a reasonable time, is not able to agree
20 unanimously on the imposition of a sentence of imprisonment for life without the
21 possibility of parole, the court shall dismiss the jury and impose a sentence of
22 imprisonment for life.

23 (8) If the State gives the notice required under § 412 of this article of the
24 State's intention to seek a sentence of imprisonment for life without the possibility of
25 parole, the court shall conduct a separate sentencing proceeding as soon as practicable
26 after the trial has been completed to determine whether to impose a sentence of
27 imprisonment for life or imprisonment for life without the possibility of parole.

28 (l) The Court of Appeals may adopt rules of procedure to govern the conduct of
29 a sentencing proceeding conducted pursuant to this section, including any forms to be
30 used by the court or jury in making its written findings and determinations of sentence.

31 (m) (1) A judge shall appoint at least 2 alternate jurors when impaneling a jury
32 for any proceeding:

33 (i) In which the defendant is being tried for a crime for which the
34 death penalty may be imposed; or

35 (ii) Which is held under the provisions of this section.

36 (2) The alternate jurors shall be retained during the length of the
37 proceedings under such restrictions and regulations as the judge may impose.

38 (3) (i) If any juror dies, becomes incapacitated, or disqualified, or is
39 discharged for any other reason before the jury begins its deliberations on sentencing, an
40 alternate juror becomes a juror in the order in which selected, and serves in all respects
41 as those selected on the regular trial panel.

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1 (ii) An alternate juror may not replace a juror who is discharged
2 during the actual deliberations of the jury on the guilt or innocence of the defendant, or
3 on the issue of sentencing.

4 462.

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

8 (1) Employs or displays a dangerous or deadly weapon or an article which
9 the other person reasonably concludes is a dangerous or deadly weapon; or

10 (2) Inflicts suffocation, strangulation, disfigurement, or serious physical
11 injury upon the other person or upon anyone else in the course of committing the offense;
12 or

13 (3) Threatens or places the victim in fear that the victim or any person
14 known to the victim will be imminently subjected to death, suffocation, strangulation,
15 disfigurement, serious physical injury, or kidnapping; or

16 (4) The person commits the offense aided and abetted by one or more other
17 persons; or

18 (5) The person commits the offense in connection with burglary in the first,
19 second, or third degree.

20 (b) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
21 SUBSECTION, ANY person violating the provisions of this section is guilty of a felony and
22 upon conviction is subject to imprisonment for no more than the period of his natural life.

23 (2) IF THE VICTIM WAS A CHILD UNDER 16 YEARS OF AGE WHO IS NOT
24 RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE DEFENDANT, ANY PERSON
25 WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A FELONY AND
26 UPON CONVICTION IS SUBJECT TO THE PENALTY PRESCRIBED UNDER § 412 OF THIS
27 ARTICLE.

28 463.

29 (a) A person is guilty of rape in the second degree if the person engages in vaginal
30 intercourse with another person:

31 (1) By force or threat of force against the will and without the consent of the
32 other person; or

33 (2) Who is mentally defective, mentally incapacitated, or physically helpless,
34 and the person performing the act knows or should reasonably know the other person is
35 mentally defective, mentally incapacitated, or physically helpless; or

36 (3) Who is under 14 years of age and the person performing the act is at
37 least four years older than the victim.

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1 (b) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
2 SUBSECTION, ANY person violating the provisions of this section is guilty of a felony and
3 upon conviction is subject to imprisonment for a period of not more than 20 years.

4 (2) IF THE VICTIM WAS A CHILD UNDER 16 YEARS OF AGE WHO IS NOT
5 RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE DEFENDANT, ANY PERSON
6 WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A FELONY AND
7 UPON CONVICTION IS SUBJECT TO THE PENALTY PRESCRIBED UNDER § 412 OF THIS
8 ARTICLE.

9 464.

10 (a) A person is guilty of a sexual offense in the first degree if the person engages
11 in a sexual act with another person by force or threat of force against the will and without
12 the consent of the other person and:

13 (1) Employs or displays a dangerous or deadly weapon or an article which
14 the other person reasonably concludes is a dangerous or deadly weapon; or

15 (2) Inflicts suffocation, strangulation, disfigurement, or serious physical
16 injury upon the other person or upon anyone else in the course of committing the offense;
17 or

18 (3) Threatens or places the victim in fear that the victim or any person
19 known to the victim will be imminently subjected to death, suffocation, strangulation,
20 disfigurement, serious physical injury, or kidnapping; or

21 (4) The person commits the offense aided and abetted by one or more other
22 persons; or

23 (5) The person commits the offense in connection with burglary in the first,
24 second, or third degree.

25 (b) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
26 SUBSECTION, ANY person violating the provisions of this section is guilty of a felony and
27 upon conviction is subject to imprisonment for no more than the period of his natural life.

28 (2) IF THE VICTIM WAS A CHILD UNDER 16 YEARS OF AGE WHO IS NOT
29 RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE DEFENDANT, ANY PERSON
30 WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A FELONY AND
31 UPON CONVICTION IS SUBJECT TO THE PENALTY PRESCRIBED UNDER § 412 OF THIS
32 ARTICLE.

33 464A.

34 (a) A person is guilty of a sexual offense in the second degree if the person
35 engages in a sexual act with another person:

36 (1) By force or threat of force against the will and without the consent of the
37 other person; or

38 (2) Who is mentally defective, mentally incapacitated, or physically helpless,
39 and the person performing the act knows or should reasonably know the other person is
40 mentally defective, mentally incapacitated, or physically helpless; or

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1 (3) Under 14 years of age and the person performing the sexual act is four
2 or more years older than the victim.

3 (b) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
4 SUBSECTION, ANY person violating the provisions of this section is guilty of a felony and
5 upon conviction is subject to imprisonment for a period of not more than 20 years.

6 (2) IF THE VICTIM WAS A CHILD UNDER 16 YEARS OF AGE WHO IS NOT
7 RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE DEFENDANT, ANY PERSON
8 WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A FELONY AND
9 UPON CONVICTION IS SUBJECT TO THE PENALTY PRESCRIBED UNDER § 412 OF THIS
10 ARTICLE.

11 464B.

12 (a) A person is guilty of a sexual offense in the third degree if the person engages
13 in:

14 (1) Sexual contact with another person against the will and without the
15 consent of the other person, and:

16 (i) Employs or displays a dangerous or deadly weapon or an article
17 which the other person reasonably concludes is a dangerous or deadly weapon; or

18 (ii) Inflicts suffocation, strangulation, disfigurement or serious
19 physical injury upon the other person or upon anyone else in the course of committing
20 that offense; or

21 (iii) Threatens or places the victim in fear that the victim or any person
22 known to the victim will be imminently subjected to death, suffocation, strangulation,
23 disfigurement, serious physical injury, or kidnapping; or

24 (iv) Commits the offense aided and abetted by one or more other
25 persons; or

26 (2) Sexual contact with another person who is mentally defective, mentally
27 incapacitated, or physically helpless, and the person knows or should reasonably know the
28 other person is mentally defective, mentally incapacitated, or physically helpless; or

29 (3) Sexual contact with another person who is under 14 years of age and the
30 person performing the sexual contact is four or more years older than the victim; or

31 (4) A sexual act with another person who is 14 or 15 years of age and the
32 person performing the sexual act is at least 21 years of age; or

33 (5) Vaginal intercourse with another person who is 14 or 15 years of age and
34 the person performing the act is at least 21 years of age.

35 (b) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
36 SUBSECTION, ANY person violating the provisions of this section is guilty of a felony and
37 upon conviction is subject to imprisonment for a period of not more than 10 years.

38 (2) IF THE VICTIM WAS A CHILD UNDER 16 YEARS OF AGE WHO IS NOT
39 RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE DEFENDANT, ANY PERSON

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1 WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A FELONY AND
2 UPON CONVICTION IS SUBJECT TO THE PENALTY PRESCRIBED UNDER § 412 OF THIS
3 ARTICLE.

4 464C.

5 (a) A person is guilty of a sexual offense in the fourth degree if the person
6 engages:

7 (1) In sexual contact with another person against the will and without the
8 consent of the other person; or

9 (2) Except as provided in § 464B(4) of this subheading, in a sexual act with
10 another person who is 14 or 15 years of age and the person performing the sexual act is
11 four or more years older than the other person; or

12 (3) Except as provided in § 464B(5) of this subheading, in vaginal
13 intercourse with another person who is 14 or 15 years of age and the person performing
14 the act is four or more years older than the other person.

15 (b) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
16 SUBSECTION, ANY person violating the provisions of this section is guilty of a
17 misdemeanor and upon conviction is subject to imprisonment for a period of not more
18 than one year, or a fine of not more than \$1,000, or both fine and imprisonment.

19 (2) IF THE VICTIM WAS A CHILD UNDER 16 YEARS OF AGE WHO IS NOT
20 RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE DEFENDANT, ANY PERSON
21 WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A FELONY AND
22 UPON CONVICTION IS SUBJECT TO THE PENALTY PRESCRIBED UNDER § 412 OF THIS
23 ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1996.