
By: Senators Van Hollen and Kelley

Introduced and read first time: February 2, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **First Degree Rape - First Degree Sexual Offense - Mandatory Minimum Penalty**

3 FOR the purpose of imposing a mandatory minimum term of imprisonment on a person
4 who is convicted of first degree rape or first degree sexual offense; and generally
5 relating to crimes and penalties.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 462 and 464
9 Annotated Code of Maryland
10 (1992 Replacement Volume and 1995 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 462.

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

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

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

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

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

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

2

1 (b) Any person violating the provisions of this section is guilty of a felony and
2 upon conviction is subject to imprisonment for NOT LESS THAN 10 YEARS AND no more
3 than the period of his natural life AND:

4 (1) IT IS MANDATORY ON A COURT TO IMPOSE NO LESS THAN THE
5 MINIMUM SENTENCE OF 10 YEARS;

6 (2) THE COURT MAY NOT SUSPEND ALL OR PART OF THE MANDATORY
7 10-YEAR SENTENCE REQUIRED UNDER THIS SUBSECTION; AND

8 (3) THE PERSON IS NOT ELIGIBLE FOR PAROLE EXCEPT IN
9 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 31B, § 11 OF THE CODE.

10 464.

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

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

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

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

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

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

26 (b) Any person violating the provisions of this section is guilty of a felony and
27 upon conviction is subject to imprisonment for NOT LESS THAN 10 YEARS AND no more
28 than the period of his natural life AND:

29 (1) IT IS MANDATORY ON A COURT TO IMPOSE NO LESS THAN THE
30 MINIMUM SENTENCE OF 10 YEARS;

31 (2) THE COURT MAY NOT SUSPEND ALL OR PART OF THE MANDATORY
32 10-YEAR SENTENCE REQUIRED UNDER THIS SUBSECTION; AND

33 (3) THE PERSON IS NOT ELIGIBLE FOR PAROLE EXCEPT IN
34 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 31B, § 11 OF THE CODE.

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