
By: Delegate Hubbard

Introduced and read first time: January 17, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sexual Offenses - Age of Victim and Offender**

3 FOR the purpose of altering certain conditions relating to the age of a victim and an
4 offender under which certain conduct constitutes rape in the second degree, a
5 sexual offense in the third degree, or a sexual offense in the fourth degree; and
6 generally relating to the age of victims and offenders involved in sexual offenses.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 463, 464B, and 464C
10 Annotated Code of Maryland
11 (1996 Replacement Volume)

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

14 **Article 27 - Crimes and Punishments**

15 463.

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

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

20 (2) Who is mentally defective, mentally incapacitated, or physically helpless,
21 and the person performing the act knows or should reasonably know the other person is
22 mentally defective, mentally incapacitated, or physically helpless; or

23 (3) Who is under 14 years of age and the person performing the act is at
24 least [four] THREE years older than the victim.

25 (b) Any person violating the provisions of this section is guilty of a felony and
26 upon conviction is subject to imprisonment for a period of not more than 20 years.

27 464B.

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

2

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

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

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

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

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

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

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

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

20 (5) Vaginal intercourse with another person who is [14 or 15] 13, 14, OR 15
21 years of age and the person performing the act is at least [21 years of age] THREE
22 YEARS OLDER THAN THE VICTIM; OR

23 (6) VAGINAL INTERCOURSE WITH ANOTHER PERSON WHO IS UNDER 18
24 YEARS OF AGE AND THE PERSON PERFORMING THE ACT IS THE PARENT, LEGAL
25 GUARDIAN, OR LEGAL CUSTODIAN OF THE VICTIM.

26 (b) Any person violating the provisions of this section is guilty of a felony and
27 upon conviction is subject to imprisonment for a period of not more than 10 years.

28 464C.

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

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

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

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

3

1 (b) Any person violating the provisions of this section is guilty of a misdemeanor
2 and upon conviction is subject to imprisonment for a period of not more than one year, or
3 a fine of not more than \$1,000, or both fine and imprisonment.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1997.