
By: Delegate Hubbard

Introduced and read first time: February 19, 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 second degree, a sexual offense in the third degree, or a sexual
6 offense in the fourth degree; prohibiting a parent or other person who has
7 permanent or temporary care, custody, or responsibility for the supervision of
8 certain persons from engaging in certain sexual conduct with those persons; making
9 clarifying changes; making stylistic changes; and generally relating to the age of
10 victims and offenders involved in sexual offenses.

11 BY repealing and reenacting, with amendments,
12 Article 27 - Crimes and Punishments
13 Section 463, 464A, 464B, and 464C
14 Annotated Code of Maryland
15 (1996 Replacement Volume)

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

18 **Article 27 - Crimes and Punishments**

19 463.

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

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

24 (2) Who is mentally defective, mentally incapacitated, or physically helpless,
25 and the person [performing] ENGAGED IN the act knows or should reasonably know the
26 other person is mentally defective, mentally incapacitated, or physically helpless; or

27 (3) Who is under 14 years of age and the person [performing] ENGAGED
28 IN the act is at least [four] 3 years older than the victim.

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

2

1 464A.

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

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

6 (2) Who is mentally defective, mentally incapacitated, or physically helpless,
7 and the person [performing] ENGAGED IN the act knows or should reasonably know the
8 other person is mentally defective, mentally incapacitated, or physically helpless; or

9 (3) Under 14 years of age and the person [performing] ENGAGED IN the
10 sexual act is [four] 3 or more years older than the victim.

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

13 464B.

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

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

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

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

23 (iii) 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 (iv) Commits the offense aided and abetted by one or more other
27 persons; [or]

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

31 (3) Sexual contact with another person who is under 14 years of age and the
32 person [performing] ENGAGED IN the sexual contact is four or more years older than
33 the victim; [or]

34 (4) A sexual act with another person who is 14 or 15 years of age and the
35 person [performing] ENGAGED IN the sexual act is at least [21 years of age] 3 YEARS
36 OLDER THAN THE VICTIM; [or]

3

1 (5) Vaginal intercourse with another person who is [14 or 15] 13, 14, OR 15
2 years of age and the person [performing] ENGAGED IN the act is at least [21 years of
3 age] 3 YEARS OLDER THAN THE VICTIM;

4 (6) VAGINAL INTERCOURSE WITH ANOTHER PERSON WHO IS 16 OR 17
5 YEARS OF AGE AND THE PERSON ENGAGED IN THE ACT IS A PARENT OR OTHER
6 PERSON WHO HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR
7 RESPONSIBILITY FOR THE SUPERVISION OF THE VICTIM;

8 (7) A SEXUAL ACT WITH ANOTHER PERSON WHO IS 16 OR 17 YEARS OF
9 AGE AND THE PERSON ENGAGED IN THE ACT IS A PARENT OR OTHER PERSON WHO
10 HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR RESPONSIBILITY FOR THE
11 SUPERVISION OF THE VICTIM; OR

12 (8) SEXUAL CONTACT WITH ANOTHER PERSON WHO IS 14, 15, 16, OR 17
13 YEARS OF AGE AND THE PERSON ENGAGED IN THE ACT IS A PARENT OR OTHER
14 PERSON WHO HAS PERMANENT OR TEMPORARY CARE, CUSTODY, OR
15 RESPONSIBILITY FOR THE SUPERVISION OF THE VICTIM.

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

18 464C.

19 (a) A person is guilty of a sexual offense in the fourth degree if the person
20 engages[:

21 (1) In] IN sexual contact with another person against the will and without
22 the consent of the other person[; or

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

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

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

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