
By: **Delegate K. Kelly**
Introduced and read first time: January 18, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sex Offenses with Minors - Continuing Course of Conduct**

3 FOR the purpose of prohibiting a person at least a certain age from engaging in a
4 certain number of sexually related acts over a certain time period with an
5 individual under a certain age; establishing certain penalties; prohibiting a
6 person who has been charged and tried under this Act from being charged with
7 certain related offenses under certain circumstances; providing that a sentence
8 under this Act shall merge for sentencing purposes with certain related offenses
9 under certain circumstances; defining certain terms; providing for the
10 application of this Act; and generally relating to sex offenses with minors.

11 BY repealing and reenacting, without amendments,
12 Article 27 - Crimes and Punishments
13 Section 461(e) and (g)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 461(f)
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 2000 Supplement)

21 BY adding to
22 Article 27 - Crimes and Punishments
23 Section 464H and 464-I
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 2000 Supplement)

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

1

Article 27 - Crimes and Punishments

2 461.

3 (e) "Sexual act" means cunnilingus, fellatio, anilingus, or anal intercourse,
4 but does not include vaginal intercourse. Emission of semen is not required.
5 Penetration, however slight, is evidence of anal intercourse. Sexual act also means
6 the penetration, however slight, by any object into the genital or anal opening of
7 another person's body if the penetration can be reasonably construed as being for the
8 purposes of sexual arousal or gratification or for abuse of either party and if the
9 penetration is not for accepted medical purposes.

10 (f) "Sexual contact" as used in §§ 464B [and 464C], 464C, AND 464-I OF THIS
11 SUBHEADING means the intentional touching of any part of the victim's or actor's
12 anal or genital areas or other intimate parts for the purposes of sexual arousal or
13 gratification or for abuse of either party and includes the penetration, however slight,
14 by any part of a person's body, other than the penis, mouth, or tongue, into the genital
15 or anal opening of another person's body if that penetration can be reasonably
16 construed as being for the purposes of sexual arousal or gratification or for abuse of
17 either party. It does not include acts commonly expressive of familial or friendly
18 affection, or acts for accepted medical purposes.

19 (g) "Vaginal intercourse" has its ordinary meaning of genital copulation.
20 Penetration, however slight, is evidence of vaginal intercourse. Emission of semen is
21 not required.

22 464H.

23 (A) IN THIS SECTION, "RELATED SEXUAL OFFENSE" MEANS:

24 (1) CHILD SEXUAL ABUSE UNDER § 35C OF THIS ARTICLE;

25 (2) AN OFFENSE UNDER THIS SUBHEADING;

26 (3) SODOMY; OR

27 (4) UNNATURAL OR PERVERTED SEXUAL PRACTICES UNDER § 554 OF
28 THIS ARTICLE.

29 (B) A PERSON AT LEAST 18 YEARS OLD MAY NOT ENGAGE IN THREE OR MORE
30 SEXUAL ACTS OR ACTS OF VAGINAL INTERCOURSE AGAINST AN INDIVIDUAL UNDER
31 THE AGE OF 14 YEARS OVER A PERIOD OF NOT LESS THAN 3 MONTHS.

32 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
33 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

34 (D) IF A PERSON IS CHARGED AND TRIED UNDER THIS SECTION, THE PERSON
35 MAY NOT BE CHARGED SUBSEQUENTLY WITH A RELATED SEXUAL OFFENSE
36 INVOLVING THE SAME VICTIM UNLESS THE RELATED SEXUAL OFFENSE OCCURRED
37 OUTSIDE THE TIME PERIOD CHARGED UNDER THIS SECTION.

1 (E) EXCEPT FOR A CONVICTION UNDER § 35C OF THIS ARTICLE, FOR
2 PURPOSES OF SENTENCING A CONVICTION UNDER THIS SECTION SHALL MERGE
3 INTO ANY RELATED SEXUAL OFFENSE HAVING A GREATER OR IDENTICAL TERM OF
4 IMPRISONMENT.

5 464-I.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) "RELATED SEXUAL OFFENSE" MEANS:

9 (I) CHILD SEXUAL ABUSE UNDER § 35C OF THIS ARTICLE;

10 (II) AN OFFENSE UNDER THIS SUBHEADING;

11 (III) SODOMY; OR

12 (IV) UNNATURAL OR PERVERTED SEXUAL PRACTICES UNDER § 554
13 OF THIS ARTICLE.

14 (3) "SEXUAL CONTACT" INCLUDES A SEXUAL ACT AND VAGINAL
15 INTERCOURSE.

16 (B) A PERSON AT LEAST 18 YEARS OLD MAY NOT ENGAGE IN THREE OR MORE
17 ACTS OF SEXUAL CONTACT AGAINST AN INDIVIDUAL UNDER THE AGE OF 14 YEARS
18 OVER A PERIOD OF NOT LESS THAN 3 MONTHS.

19 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
20 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A
21 FINE NOT EXCEEDING \$2,000 OR BOTH.

22 (D) IF A PERSON IS CHARGED AND TRIED UNDER THIS SECTION, THE PERSON
23 MAY NOT BE CHARGED SUBSEQUENTLY WITH A RELATED SEXUAL OFFENSE
24 INVOLVING THE SAME VICTIM UNLESS THE RELATED SEXUAL OFFENSE OCCURRED
25 OUTSIDE THE TIME PERIOD CHARGED UNDER THIS SECTION.

26 (E) EXCEPT FOR A CONVICTION UNDER § 35C OF THIS ARTICLE, FOR
27 PURPOSES OF SENTENCING A CONVICTION UNDER THIS SECTION SHALL MERGE
28 INTO ANY RELATED SEXUAL OFFENSE HAVING A GREATER OR IDENTICAL TERM OF
29 IMPRISONMENT.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
31 offenses committed on or after the effective date of this Act. An offense shall be
32 considered to have been committed on or after the effective date of this Act if at least
33 one of the sexual acts, acts of vaginal intercourse, or acts of sexual contact occurs on
34 or after the effective date of this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2001.

