

SENATE BILL 595

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2001 Regular Session  
11r2380  
CF 11r2381

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By: **Senator Jimeno**  
Introduced and read first time: February 2, 2001  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sexual Offenses - Continuous Course of Conduct**

3 FOR the purpose of providing that it is a felony to engage in a continuous course of  
4 sexual conduct with a certain person under certain circumstances; providing  
5 penalties for a violation of this Act; providing that a sentence under this Act may  
6 be imposed separate from and consecutive to or concurrent with another under  
7 certain circumstances; providing a form for use in any indictment, information,  
8 or warrant charging a violation of this Act; providing that a person may not be  
9 charged under this Act under certain circumstances; and generally relating to  
10 sexual offenses and a continuous course of conduct.

11 BY adding to  
12 Article 27 - Crimes and Punishments  
13 Section 464H  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 2000 Supplement)

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 464H.

20 (A) NOTWITHSTANDING ANY PENALTY PROVIDED THIS ARTICLE, A PERSON  
21 WHO ENGAGES IN THREE OR MORE ACTS THAT WOULD CONSTITUTE A VIOLATION OF  
22 § 463, § 464A, OR § 464B OF THIS ARTICLE, OVER A PERIOD OF 90 DAYS OR MORE, WITH  
23 A PERSON WHO IS UNDER 14 YEARS OF AGE AT ANY TIME DURING THE COURSE OF  
24 CONDUCT, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO  
25 IMPRISONMENT FOR A PERIOD NOT EXCEEDING 30 YEARS.

26 (B) A PERSON MAY NOT BE CHARGED WITH A VIOLATION OF § 463, § 464A, OR §  
27 464B OF THIS ARTICLE, INVOLVING THE SAME VICTIM, IN THE SAME PROCEEDING, AS  
28 A VIOLATION OF THIS SECTION UNLESS THE OTHER OFFENSE CHARGED OCCURRED  
29 OUTSIDE OF THE TIME PERIOD CHARGED UNDER THIS SECTION.

1 (C) THE TRIER OF FACT NEED NOT TO DETERMINE WHICH ACTS CONSTITUTE  
2 THE REQUISITE NUMBER OF ACTS IN DETERMINING WHETHER THE REQUISITE  
3 NUMBER OF ACTS OCCURRED IN VIOLATION OF THIS SECTION.

4 (D) THE SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED  
5 SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH ANY OTHER  
6 SENTENCE IMPOSED UNDER § 35C OF THIS ARTICLE.

7 (E) AN INDICTMENT, INFORMATION, OR WARRANT CHARGING A VIOLATION  
8 OF THIS SECTION IS SUFFICIENT IF IT SUBSTANTIALLY STATES:

9 " \_\_\_\_\_(NAME OF DEFENDANT) BETWEEN \_\_\_\_\_(DATE) AND  
10 \_\_\_\_\_(DATE) IN \_\_\_\_\_(COUNTY) DID UNLAWFULLY ENGAGE IN  
11 SEXUAL CONDUCT WITH \_\_\_\_\_(NAME OF VICTIM) AS PART OF A  
12 CONTINUING COURSE OF CONDUCT, IN VIOLATION OF ARTICLE 27, § 464H OF THE  
13 ANNOTATED CODE OF MARYLAND, AGAINST THE PEACE, GOVERNMENT, AND  
14 DIGNITY OF THE STATE."

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2001.