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By: Senator Ferguson

Introduced and read first time: February 2, 2001

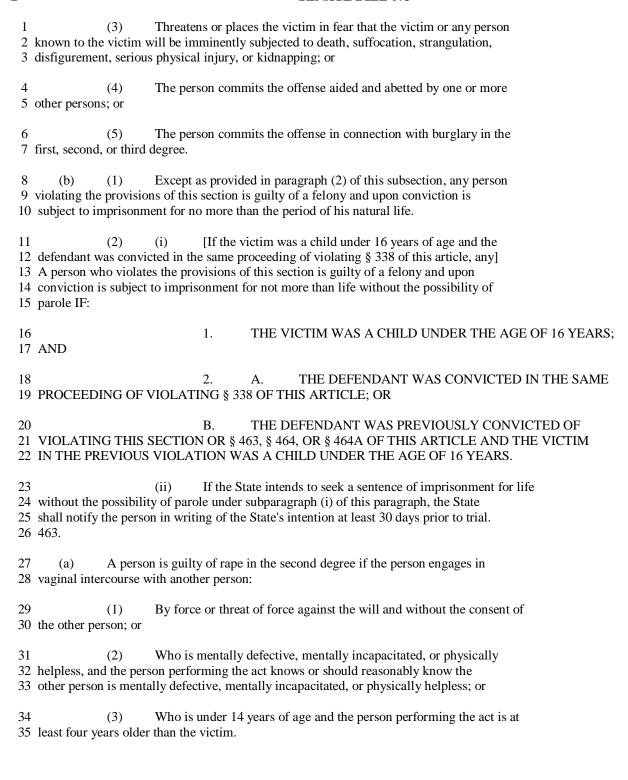
Assigned to: Judicial Proceedings

A BILL ENTITLED

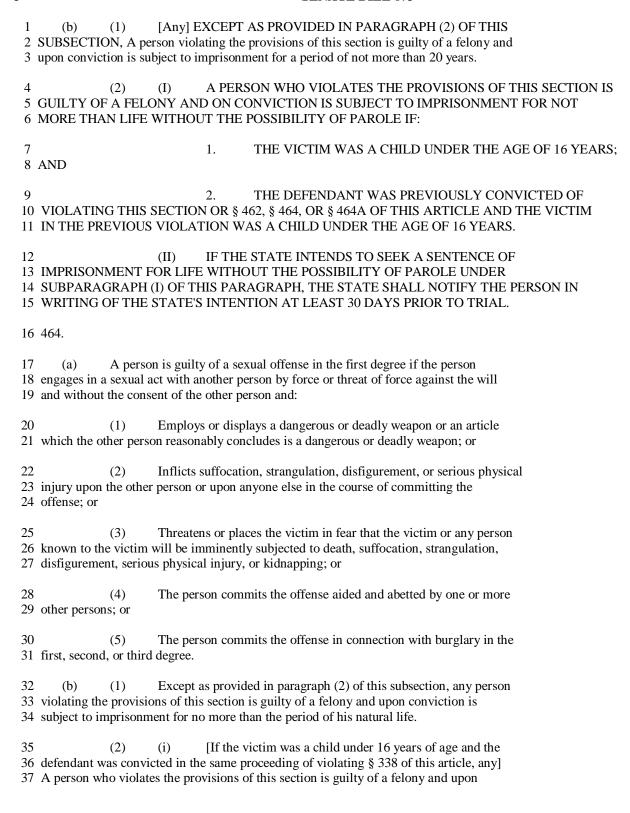
1	AN	ACT	concerning

- 2 Christopher's Law II Repeat Child Sexual Offenses Imprisonment for Life 3 Without the Possibility of Parole
- 4 FOR the purpose of establishing a penalty of imprisonment for not more than life
- 5 without the possibility of parole for a person who commits certain sexual
- 6 offenses involving a child under a certain age if the person was previously
- 7 convicted of certain sexual offenses involving a child under a certain age;
- 8 requiring the State to provide certain notice if the State intends to seek a
- 9 penalty of imprisonment for life without the possibility of parole; providing for
- the application of this Act; and generally relating to repeat child sexual offenses
- and imprisonment for life without the possibility of parole.
- 12 BY repealing and reenacting, with amendments,
- 13 Article 27 Crimes and Punishments
- 14 Section 462 through 464A
- 15 Annotated Code of Maryland
- 16 (1996 Replacement Volume and 2000 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 18 MARYLAND, That the Laws of Maryland read as follows:
- 19 Article 27 Crimes and Punishments
- 20 462.
- 21 (a) A person is guilty of rape in the first degree if the person engages in
- 22 vaginal intercourse with another person by force or threat of force against the will
- 23 and without the consent of the other person and:
- 24 (1) Employs or displays a dangerous or deadly weapon or an article
- 25 which the other person reasonably concludes is a dangerous or deadly weapon; or
- 26 (2) Inflicts suffocation, strangulation, disfigurement, or serious physical
- 27 injury upon the other person or upon anyone else in the course of committing the
- 28 offense; or

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	conviction is subject to imprisonment for not more than life without the possibility of parole IF:
3 4	1. THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS:
5 6	2. A. THE DEFENDANT WAS CONVICTED IN THE SAME PROCEEDING OF VIOLATING \S 338 OF THIS ARTICLE; OR
	B. THE DEFENDANT WAS PREVIOUSLY CONVICTED OF VIOLATING THIS SECTION OR § 462, § 463, OR § 464A OF THIS ARTICLE AND THE VICTIM IN THE PREVIOUS VIOLATION WAS A CHILD UNDER THE AGE OF 16 YEARS.
	(ii) If the State intends to seek a sentence of life without the possibility of parole under subparagraph (i) of this paragraph, the State shall notify the person in writing of the State's intention at least 30 days prior to trial.
13	464A.
14 15	(a) A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:
16 17	(1) By force or threat of force against the will and without the consent of the other person; or
	(2) Who is mentally defective, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally defective, mentally incapacitated, or physically helpless; or
21 22	(3) Under 14 years of age and the person performing the sexual act is four or more years older than the victim.
	(b) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person violating the provisions of this section is guilty of a felony and upon conviction is subject to imprisonment for a period of not more than 20 years.
	(2) (I) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN LIFE WITHOUT THE POSSIBILITY OF PAROLE IF:
29 30	1. THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS:
	2. THE DEFENDANT WAS PREVIOUSLY CONVICTED OF VIOLATING THIS SECTION OR \S 462, \S 463, OR \S 464 OF THIS ARTICLE AND THE VICTIM IN THE PREVIOUS VIOLATION WAS A CHILD UNDER THE AGE OF 16 YEARS.
34 35	(II) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER

- 1 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE SHALL NOTIFY THE PERSON IN
- 2 WRITING OF THE STATE'S INTENTION AT LEAST 30 DAYS PRIOR TO TRIAL.
- 3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
- 4 construed only prospectively and may not be applied or interpreted to have any effect
- 5 on or application to any offense committed before the effective date of this Act.
- 6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 7 October 1, 2001.