
By: **Delegates Montague, Grosfeld, Doory, Cole, and Dobson**

Introduced and read first time: February 15, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Crimes - Continuing Course of Conduct Against a Child**

3 FOR the purpose of prohibiting a person from engaging in a continuing course of
4 unlawful sexual conduct with a victim under a certain age under certain
5 circumstances; providing that a violation of this Act is a felony; providing a
6 certain penalty; providing that a sentence under this Act may be imposed
7 separate from and consecutive to or concurrent with a certain other sentence
8 under certain circumstances; providing that a person may not be charged under
9 this Act under certain circumstances; providing that a person who is charged
10 under this Act may not be charged for certain other sexual crimes under certain
11 circumstances; making certain provisions relating to sexual crimes applicable to
12 the crime; and generally relating to sexual crimes and a continuing course of
13 conduct against a child.

14 BY renumbering

15 Article - Criminal Law

16 Section 3-314 through 3-321, respectively

17 to be Section 3-315 through 3-322, respectively

18 Annotated Code of Maryland

19 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
20 2002)

21 BY adding to

22 Article - Criminal Law

23 Section 3-314

24 Annotated Code of Maryland

25 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
26 2002)

27 BY repealing and reenacting, with amendments,

28 Article - Criminal Law

29 Section 3-315 and 3-319

30 Annotated Code of Maryland

1 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
2 2002)
3 (As enacted by Section 1 of this Act)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That Section(s) 3-314 through 3-321, respectively, of Article - Criminal
6 Law of the Annotated Code of Maryland (As enacted by Chapter _____ (H.B. 11) of the
7 Acts of the General Assembly of 2002) be renumbered to be Section(s) 3-315 through
8 3-322, respectively.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article - Criminal Law**

12 3-314.

13 (A) A PERSON MAY NOT ENGAGE IN A CONTINUING COURSE OF CONDUCT
14 WHICH INCLUDES THREE OR MORE ACTS THAT WOULD CONSTITUTE VIOLATIONS OF
15 § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE OVER A PERIOD OF 90
16 DAYS OR MORE, WITH A VICTIM WHO IS UNDER THE AGE OF 14 YEARS AT ANY TIME
17 DURING THE COURSE OF CONDUCT.

18 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
19 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS.

20 (2) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE
21 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE UNDER § 3-601 OF
22 THIS TITLE.

23 (C) IN DETERMINING WHETHER THE REQUIRED NUMBER OF ACTS OCCURRED
24 IN VIOLATION OF THIS SECTION, THE TRIER OF FACT:

25 (1) MUST DETERMINE ONLY THAT THE REQUIRED NUMBER OF ACTS
26 OCCURRED; AND

27 (2) NEED NOT DETERMINE WHICH ACTS CONSTITUTE THE REQUIRED
28 NUMBER OF ACTS.

29 (D) (1) A PERSON MAY NOT BE CHARGED WITH A VIOLATION OF § 3-303, §
30 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE INVOLVING THE SAME VICTIM IN
31 THE SAME PROCEEDING AS A VIOLATION OF THIS SECTION UNLESS THE OTHER
32 VIOLATION CHARGED OCCURRED OUTSIDE THE TIME PERIOD CHARGED UNDER THIS
33 SECTION.

34 (2) A PERSON MAY NOT BE SUBSEQUENTLY CHARGED WITH A
35 VIOLATION OF § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE
36 INVOLVING THE SAME VICTIM UNLESS THE SUBSEQUENT VIOLATION CHARGED
37 OCCURRED OUTSIDE THE TIME PERIOD CHARGED UNDER THIS SECTION.

1 3-315.

2 If a person is transported with the intent to violate a provision of §§ 3-303
3 through [3-313] 3-314 of this subtitle, and the intent is followed by actual violation of
4 a provision of §§ 3-303 through [3-313] 3-314 of this subtitle, the defendant may be
5 tried in the appropriate court in a county where the transportation was offered,
6 solicited, begun, continued, or ended.

7 3-319.

8 In a criminal prosecution under §§ 3-303 through [3-313] 3-314 of this subtitle,
9 a judge may not instruct the jury:

10 (1) to examine the testimony of the prosecuting witness with caution,
11 solely because of the nature of the charge;

12 (2) that the charge is easily made or difficult to disprove, solely because
13 of the nature of the charge; or

14 (3) to follow another similar instruction, solely because of the nature of
15 the charge.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2002.