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

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Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 25, 2002

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2002

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CHAPTER \_\_\_\_\_

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

1 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
2 2002)

3 BY repealing and reenacting, with amendments,  
4 Article - Criminal Law  
5 Section 3-315 and 3-319  
6 Annotated Code of Maryland  
7 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
8 2002)  
9 (As enacted by Section 1 of this Act)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That Section(s) 3-314 through 3-321, respectively, of Article - Criminal  
12 Law of the Annotated Code of Maryland (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the  
13 Acts of the General Assembly of 2002) be renumbered to be Section(s) 3-315 through  
14 3-322, respectively.

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

17 **Article - Criminal Law**

18 3-314.

19 (A) A PERSON MAY NOT ENGAGE IN A CONTINUING COURSE OF CONDUCT  
20 WHICH INCLUDES THREE OR MORE ACTS THAT WOULD CONSTITUTE VIOLATIONS OF  
21 § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE OVER A PERIOD OF 90  
22 DAYS OR MORE, WITH A VICTIM WHO IS UNDER THE AGE OF 14 YEARS AT ANY TIME  
23 DURING THE COURSE OF CONDUCT.

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

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

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

31 (1) MUST DETERMINE ONLY THAT THE REQUIRED NUMBER OF ACTS  
32 OCCURRED; AND

33 (2) NEED NOT DETERMINE WHICH ACTS CONSTITUTE THE REQUIRED  
34 NUMBER OF ACTS.

35 (D) (1) A PERSON MAY NOT BE CHARGED WITH A VIOLATION OF § 3-303, §  
36 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE INVOLVING THE SAME VICTIM IN  
37 THE SAME PROCEEDING AS A VIOLATION OF THIS SECTION UNLESS THE OTHER

1 VIOLATION CHARGED OCCURRED OUTSIDE THE TIME PERIOD CHARGED UNDER THIS  
2 SECTION.

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

7 3-315.

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

13 3-319.

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

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

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

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

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