## **SENATE BILL 72**

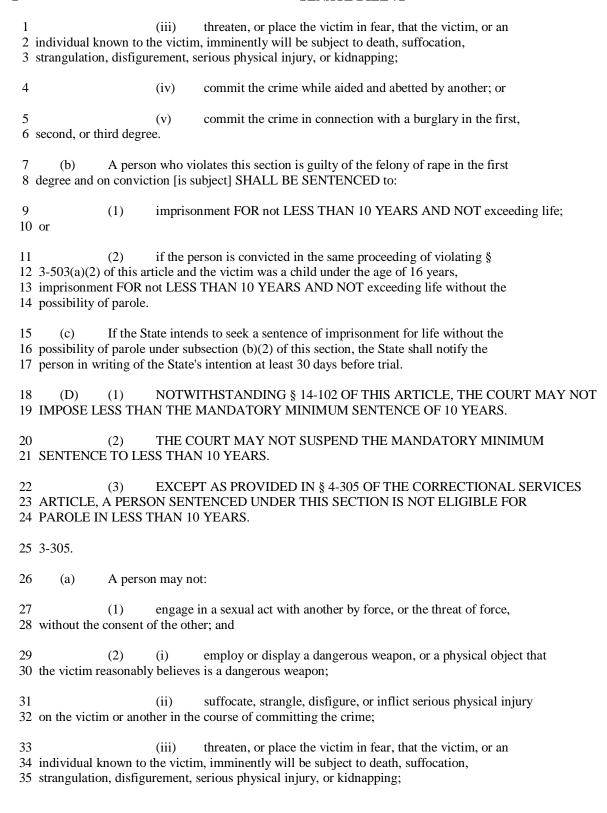
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2002 Regular Session 2lr0499

E2 SB 81	2lr0499 12/01 - JPR
<b>5D</b> 0.	(PRE-FILED)
Reque Introd	enators Van Hollen, Ferguson, Mooney, and Sfikas ested: September 19, 2001 duced and read first time: January 9, 2002 and to: Judicial Proceedings
	A BILL ENTITLED
1 A	AN ACT concerning
2 3	First Degree Rape and First Degree Sexual Offense - Mandatory Minimum Penalty
5 6 7 8 9 10	FOR the purpose of imposing a certain mandatory minimum term of imprisonment on a person who is convicted of first degree rape or first degree sexual offense; providing that the mandatory minimum term of imprisonment may not be suspended; providing that a person sentenced to a mandatory minimum term of imprisonment for certain convictions may not be granted parole except under certain circumstances; and generally relating to a mandatory minimum penalty for first degree rape and first degree sexual offense.
11 1 12 13 14 15 16	BY repealing and reenacting, with amendments, Article - Criminal Law Section 3-303 and 3-305 Annotated Code of Maryland (As enacted by Chapter (H.B. 11) of the Acts of the General Assembly of 2002)
17 18 1	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
19	Article - Criminal Law
20 3	3-303.
21	(a) A person may not:
22 23 1	(1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; and
24 25 t	(2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

26 (ii) suffocate, strangle, disfigure, or inflict serious physical injury 27 on the victim or another in the course of committing the crime;

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1	(iv) commit the crime while aided and abetted by another; or
2 3	(v) commit the crime in connection with a burglary in the first, second, or third degree.
4 5	(b) A person who violates this section is guilty of the felony of sexual offense in the first degree and on conviction [is subject] SHALL BE SENTENCED to:
6 7	(1) imprisonment FOR not LESS THAN 10 YEARS AND NOT exceeding life; or
10	(2) if the person is convicted in the same proceeding of violating § 3-503(a)(2) of this article and the victim was a child under the age of 16 years, imprisonment for NOT LESS THAN 10 YEARS AND NOT EXCEEDING life without the possibility of parole.
	(c) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (b)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.
15 16	(D) (1) NOTWITHSTANDING $\$$ 14-102 OF THIS ARTICLE, THE COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 10 YEARS.
17 18	(2) THE COURT MAY NOT SUSPEND THE MANDATORY MINIMUM SENTENCE TO LESS THAN 10 YEARS.
	(3) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 10 YEARS.
22 23	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.