HOUSE BILL 417

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By: **Delegates Burns, Barkley, Jones, Nathan-Pulliam, and Zirkin** Introduced and read first time: February 5, 2003 Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2	Third Degree Sexual Offense - Prior Conviction - Increased Penalty
3 4 5 6 7	FOR the purpose of imposing a certain mandatory maximum term of imprisonment for a person who is convicted of a third degree sexual offense involving a minor when the person has previously been convicted of a certain crime involving a minor; and generally relating to a mandatory maximum penalty for a third degree sexual offender with prior convictions.
9 10 11 12	Section 3-307 Annotated Code of Maryland (2002 Volume)
13 14	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
15	Article - Criminal Law
16	5 3-307.
17	(a) A person may not:
18 19	(1) (i) engage in sexual contact with another without the consent of the other; and
20 21	(ii) 1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;
22 23	2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;
24 25	3. threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation.

26 strangulation, disfigurement, serious physical injury, or kidnapping; or

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4. commit the crime while aided and abetted by another;

2 (2) engage in sexual contact with another if the victim is a mentally

3 defective individual, a mentally incapacitated individual, or a physically helpless

4 individual, and the person performing the act knows or reasonably should know the

5 victim is a mentally defective individual, a mentally incapacitated individual, or a

6 physically helpless individual;

7 (3) engage in sexual contact with another if the victim is under the age of 8 14 years, and the person performing the sexual contact is at least 4 years older than 9 the victim;

10 (4) engage in a sexual act with another if the victim is 14 or 15 years old, 11 and the person performing the sexual act is at least 21 years old; or

12 (5) engage in vaginal intercourse with another if the victim is 14 or 15 13 years old, and the person performing the act is at least 21 years old.

14 (b) (1) A person who violates this section is guilty of the felony of sexual
15 offense in the third degree and on conviction is subject to THE PENALTIES PROVIDED
16 IN THIS SUBSECTION.

17 (2) IF THE PERSON HAS NOT PREVIOUSLY BEEN CONVICTED UNDER §§
18 3-303 THROUGH 3-307 OF THIS SUBTITLE INVOLVING A MINOR, THE PERSON IS
19 SUBJECT TO imprisonment not exceeding 10 years.

(3) IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF A CRIME
UNDER §§ 3-303 THROUGH 3-307 OF THIS SUBTITLE INVOLVING A MINOR AND THE
CURRENT VIOLATION OF THIS SECTION INVOLVED A MINOR, THE PERSON SHALL BE
SENTENCED TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 25 effect October 1, 2003.