HOUSE BILL 709

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Du Delegates Dums Anderson Fulton Vella OlDennell Ordeten and

By: Delegates Burns, Anderson, Fulton, Kelly, O'Donnell, Quinter, and Zirkin

Introduced and read first time: February 5, 2004

Assigned to: Judiciary

A BILL ENTITLED

2 Third Degree Sexual Offense - Prior Conviction - Increased Penalty

- 3 FOR the purpose of increasing a certain maximum term of imprisonment for a person
- 4 who is convicted of a third degree sexual offense involving a minor when the
- 5 person has previously been convicted of a certain crime involving a minor; and
- 6 generally relating to a maximum penalty for a third degree sexual offender with
- 7 prior convictions.

1 AN ACT concerning

- 8 BY repealing and reenacting, with amendments,
- 9 Article Criminal Law
- 10 Section 3-307
- 11 Annotated Code of Maryland
- 12 (2002 Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 Article - Criminal Law

16 3-307.

- 17 (a) A person may not:
- 18 (1) (i) engage in sexual contact with another without the consent of
- 19 the other; and
- 20 (ii) 1. employ or display a dangerous weapon, or a physical object
- 21 that the victim reasonably believes is a dangerous weapon;
- 22 2. suffocate, strangle, disfigure, or inflict serious physical
- 23 injury on the victim or another in the course of committing the crime;
- 24 3. threaten, or place the victim in fear, that the victim, or an
- 25 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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1	4. commit the crime while aided and abetted by another;
4 5	(2) engage in sexual contact with another if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual;
	(3) engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim;
10 11	(4) engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or
12 13	(5) engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.
	(b) (1) A person who violates this section is guilty of the felony of sexual offense in the third degree and on conviction is subject to THE PENALTIES PROVIDED IN THIS SUBSECTION.
	(2) IF THE PERSON HAS NOT PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION OR §§ 3-303 THROUGH 3-306 OF THIS SUBTITLE INVOLVING A MINOR THE PERSON IS SUBJECT TO imprisonment not exceeding 10 years.
22	(3) IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF A CRIME UNDER THIS SECTION OR §§ 3-303 THROUGH 3-306 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 25	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.