

# SENATE BILL 944

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CF HB 647

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By: **Senator Smith**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 15, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Sexual Offenses – Classification**

3 FOR the purpose of reclassifying criminal conduct currently classified as sexual offense in  
4 the first degree and sexual offense in the second degree as rape in the first degree  
5 and rape in the second degree, respectively; repealing the crimes of sexual offense in  
6 the first degree, sexual offense in the second degree, attempted sexual offense in the  
7 first degree, and attempted sexual offense in the second degree; making conforming  
8 changes; and generally relating to sexual offenses.

9 BY repealing and reenacting, with amendments,  
10 Article – Correctional Services  
11 Section 3–702, 9–201, and 11–502  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2016 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Law  
16 Section 3–303, 3–304, 3–308(d), 3–313, 3–314(f), 3–315 through 3–317, and 3–320  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2016 Supplement)

19 BY repealing  
20 Article – Criminal Law  
21 Section 3–305, 3–306, 3–311, and 3–312  
22 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2012 Replacement Volume and 2016 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Criminal Procedure  
4 Section 6–220(d)(3), 6–222(a), 11–304(b), 11–701(j) and (q), 11–704(c), 11–704.1,  
5 11–723(a), and 11–922  
6 Annotated Code of Maryland  
7 (2008 Replacement Volume and 2016 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article – Criminal Procedure  
10 Section 11–701(a)  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Family Law  
15 Section 4–506(k)  
16 Annotated Code of Maryland  
17 (2012 Replacement Volume and 2016 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

20 **Article – Correctional Services**

21 3–702.

22 (a) Subject to subsections (b) and (c) of this section, § 3–711 of this subtitle, and  
23 Title 7, Subtitle 5 of this article, an inmate committed to the custody of the Commissioner  
24 is entitled to a diminution of the inmate’s term of confinement as provided under this  
25 subtitle.

26 (b) An inmate who is serving a sentence for a violation of § 3–303[,] OR § 3–304  
27 **OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE**  
28 **AGE OF 16 YEARS, OR AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF**  
29 **§ 3–305[,] or § 3–306 of the Criminal Law Article, AS THE SECTIONS EXISTED BEFORE**  
30 **OCTOBER 1, 2017**, involving a victim who is a child under the age of 16 years, is not  
31 entitled to a diminution of the inmate’s term of confinement as provided under this subtitle.

32 (c) An inmate who is serving a sentence for a violation of § 3–307 of the Criminal  
33 Law Article involving a victim who is a child under the age of 16 years is not entitled to a  
34 diminution of the inmate’s term of confinement as provided under this subtitle, if the  
35 inmate was previously convicted of a violation of § 3–307 of the Criminal Law Article  
36 involving a victim who is a child under the age of 16 years.

37 9–201.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) “Sexual offense” means:

3 (i) a violation of:

4 1. § 3–305[,] OR § 3–306[,] OF THE CRIMINAL LAW  
5 ARTICLE AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017; OR

6 2. § 3–307, § 3–308, § 3–309, § 3–310, § 3–311, or § 3–312 of  
7 the Criminal Law Article; or

8 (ii) an attempt to violate:

9 1. § 3–305[,] OR § 3–306[,] OF THE CRIMINAL LAW  
10 ARTICLE, AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017, AS A PRINCIPAL OR  
11 AN AIDER OR ABETTOR; OR

12 2. § 3–307[,] or § 3–308 of the Criminal Law Article as a  
13 principal or an aider or abettor.

14 (3) “State correctional facility” does not include:

15 (i) the Patuxent Institution; or

16 (ii) the Baltimore City Detention Center.

17 (b) If an inmate is convicted of and sentenced to a term of imprisonment for a  
18 sexual offense that was committed while the inmate was serving a sentence in a State or  
19 local correctional facility, the sentence for the sexual offense shall run consecutive to the  
20 sentence that the inmate was serving at the time of the sexual offense.

21 (c) (1) If an inmate is convicted of and sentenced to a term of imprisonment  
22 for a sexual offense that was committed while the inmate was being held for a bail hearing,  
23 arraignment, trial, or sentencing on another charge in a State or local correctional facility  
24 and, before the imposition of the sentence for the sexual offense, the inmate was sentenced  
25 to a term of imprisonment for the charge for which the inmate was being held at the time  
26 of the sexual offense, the sentence imposed for the sexual offense shall run consecutive to  
27 the sentence imposed for the charge for which the inmate was being held at the time of the  
28 sexual offense.

29 (2) If an inmate is convicted of and sentenced to a term of imprisonment  
30 for a sexual offense that was committed while the inmate was being held for a bail hearing,  
31 arraignment, trial, or sentencing on another charge in a State or local correctional facility  
32 and, at the time that the sentence for the sexual offense is imposed, the inmate has not

1 been sentenced on the other charge, any sentence of imprisonment eventually imposed for  
2 the other charge shall run consecutive to the sentence imposed for the sexual offense.

3 11-502.

4 (a) Except as provided in subsections (b) and (c) of this section, an inmate who  
5 has been sentenced to a term of imprisonment shall be allowed deductions from the  
6 inmate's term of confinement as provided under this subtitle for any period of presentence  
7 or postsentence confinement in a local correctional facility.

8 (b) (1) An inmate who is serving a sentence for a violation of § 3-303[,] **OR §**  
9 **3-304 OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER**  
10 **THE AGE OF 16, OR AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF §**  
11 **3-305[,] or § 3-306 of the Criminal Law Article, AS THE SECTIONS EXISTED BEFORE**  
12 **OCTOBER 1, 2017**, involving a victim who is a child under the age of 16 years, may not be  
13 allowed deductions from the inmate's term of confinement as provided under this subtitle  
14 for any period of presentence or postsentence confinement in a local correctional facility.

15 (2) This subsection may not be construed to require an inmate to serve a  
16 longer sentence of confinement than is authorized by the statute under which the inmate  
17 was convicted.

18 (c) (1) An inmate who is serving a sentence for a violation of § 3-307 of the  
19 Criminal Law Article involving a victim who is a child under the age of 16 years, who has  
20 previously been convicted of violating § 3-307 of the Criminal Law Article involving a  
21 victim who is a child under the age of 16 years, may not be allowed deductions from the  
22 inmate's term of confinement as provided under this subtitle for any period of presentence  
23 or postsentence confinement in a local correctional facility.

24 (2) This subsection may not be construed to require an inmate to serve a  
25 longer sentence of confinement than is authorized by the statute under which the inmate  
26 was convicted.

## 27 Article – Criminal Law

28 3-303.

29 (a) A person may not:

30 (1) **(I)** engage in vaginal intercourse with another by force, or the threat  
31 of force, without the consent of the other; **OR**

32 **(II) ENGAGE IN A SEXUAL ACT WITH ANOTHER BY FORCE, OR**  
33 **THE THREAT OF FORCE, WITHOUT THE CONSENT OF THE OTHER; and**

1           (2)   (i)    employ or display a dangerous weapon, or a physical object that  
2 the victim reasonably believes is a dangerous weapon;

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

5                   (iii)   threaten, or place the victim in fear, that the victim, or an  
6 individual known to the victim, imminently will be subject to death, suffocation,  
7 strangulation, disfigurement, serious physical injury, or kidnapping;

8                   (iv)   commit the crime while aided and abetted by another; or

9                   (v)   commit the crime in connection with a burglary in the first,  
10 second, or third degree.

11           (b)   A person may not violate subsection (a) of this section while also violating §  
12 3–503(a)(2) of this title involving a victim who is a child under the age of 16 years.

13           (c)   A person 18 years of age or older may not violate subsection (a) of this section  
14 involving a victim who is a child under the age of 13 years.

15           (d)   (1)   Except as provided in paragraphs (2), (3), and (4) of this subsection, a  
16 person who violates subsection (a) of this section is guilty of the felony of rape in the first  
17 degree and on conviction is subject to imprisonment not exceeding life.

18                   (2)   A person who violates subsection (b) of this section is guilty of the felony  
19 of rape in the first degree and on conviction is subject to imprisonment not exceeding life  
20 without the possibility of parole.

21                   (3)   A person who violates subsection (a) or (b) of this section is guilty of the  
22 felony of rape in the first degree and on conviction is subject to imprisonment not exceeding  
23 life without the possibility of parole if the defendant was previously convicted of violating  
24 this section, or § 3–305 of this subtitle **AS IT EXISTED BEFORE OCTOBER 1, 2017**.

25                   (4)   (i)    Subject to subparagraph (iv) of this paragraph, a person 18 years  
26 of age or older who violates subsection (c) of this section is guilty of the felony of rape in the  
27 first degree and on conviction is subject to imprisonment for not less than 25 years and not  
28 exceeding life without the possibility of parole.

29                           (ii)   A court may not suspend any part of the mandatory minimum  
30 sentence of 25 years.

31                           (iii)   The person is not eligible for parole during the mandatory  
32 minimum sentence.

33                           (iv)   If the State fails to comply with subsection (e) of this section, the  
34 mandatory minimum sentence shall not apply.

1 (e) If the State intends to seek a sentence of imprisonment for life without the  
2 possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for  
3 not less than 25 years under subsection (d)(4) of this section, the State shall notify the  
4 person in writing of the State's intention at least 30 days before trial.

5 3-304.

6 (a) A person may not engage in vaginal intercourse **OR A SEXUAL ACT** with  
7 another:

8 (1) by force, or the threat of force, without the consent of the other;

9 (2) if the victim is a substantially cognitively impaired individual, a  
10 mentally incapacitated individual, or a physically helpless individual, and the person  
11 performing the act knows or reasonably should know that the victim is a substantially  
12 cognitively impaired individual, a mentally incapacitated individual, or a physically  
13 helpless individual; or

14 (3) if the victim is under the age of 14 years, and the person performing the  
15 act is at least 4 years older than the victim.

16 (b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this  
17 section involving a child under the age of 13 years.

18 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
19 violates subsection (a) of this section is guilty of the felony of rape in the second degree and  
20 on conviction is subject to imprisonment not exceeding 20 years.

21 (2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years  
22 of age or older who violates subsection (b) of this section is guilty of the felony of rape in the  
23 second degree and on conviction is subject to imprisonment for not less than 15 years and  
24 not exceeding life.

25 (ii) A court may not suspend any part of the mandatory minimum  
26 sentence of 15 years.

27 (iii) The person is not eligible for parole during the mandatory  
28 minimum sentence.

29 (iv) If the State fails to comply with subsection (d) of this section, the  
30 mandatory minimum sentence shall not apply.

31 (d) If the State intends to seek a sentence of imprisonment for not less than 15  
32 years under subsection (c)(2) of this section, the State shall notify the person in writing of  
33 the State's intention at least 30 days before trial.

1 [3-305.

2 (a) A person may not:

3 (1) engage in a sexual act with another by force, or the threat of force,  
4 without the consent of the other; and

5 (2) (i) employ or display a dangerous weapon, or a physical object that  
6 the victim reasonably believes is a dangerous weapon;

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

9 (iii) threaten, or place the victim in fear, that the victim, or an  
10 individual known to the victim, imminently will be subject to death, suffocation,  
11 strangulation, disfigurement, serious physical injury, or kidnapping;

12 (iv) commit the crime while aided and abetted by another; or

13 (v) commit the crime in connection with a burglary in the first,  
14 second, or third degree.

15 (b) A person may not violate subsection (a) of this section while also violating §  
16 3-503(a)(2) of this title involving a victim who is a child under the age of 16 years.

17 (c) A person 18 years of age or older may not violate subsection (a) of this section  
18 involving a victim who is a child under the age of 13 years.

19 (d) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a  
20 person who violates subsection (a) of this section is guilty of the felony of sexual offense in  
21 the first degree and on conviction is subject to imprisonment not exceeding life.

22 (2) A person who violates subsection (b) of this section is guilty of the felony  
23 of sexual offense in the first degree and on conviction is subject to imprisonment not  
24 exceeding life without the possibility of parole.

25 (3) A person who violates subsection (a) or (b) of this section is guilty of the  
26 felony of sexual offense in the first degree and on conviction is subject to imprisonment not  
27 exceeding life without the possibility of parole if the defendant was previously convicted of  
28 violating this section or § 3-303 of this subtitle.

29 (4) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years  
30 of age or older who violates subsection (c) of this section is guilty of the felony of sexual  
31 offense in the first degree and on conviction is subject to imprisonment for not less than 25  
32 years and not exceeding life without the possibility of parole.

1 (ii) A court may not suspend any part of the mandatory minimum  
2 sentence of 25 years.

3 (iii) The person is not eligible for parole during the mandatory  
4 minimum sentence.

5 (iv) If the State fails to comply with subsection (e) of this section, the  
6 mandatory minimum sentence shall not apply.

7 (e) If the State intends to seek a sentence of imprisonment for life without the  
8 possibility of parole under subsection (d)(2), (3), or (4) of this section, or imprisonment for  
9 not less than 25 years under subsection (d)(4) of this section, the State shall notify the  
10 person in writing of the State's intention at least 30 days before trial.]

11 [3-306.

12 (a) A person may not engage in a sexual act with another:

13 (1) by force, or the threat of force, without the consent of the other;

14 (2) if the victim is a substantially cognitively impaired individual, a  
15 mentally incapacitated individual, or a physically helpless individual, and the person  
16 performing the sexual act knows or reasonably should know that the victim is a  
17 substantially cognitively impaired individual, a mentally incapacitated individual, or a  
18 physically helpless individual; or

19 (3) if the victim is under the age of 14 years, and the person performing the  
20 sexual act is at least 4 years older than the victim.

21 (b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this  
22 section involving a child under the age of 13 years.

23 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
24 violates this section is guilty of the felony of sexual offense in the second degree and on  
25 conviction is subject to imprisonment not exceeding 20 years.

26 (2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years  
27 of age or older who violates subsection (b) of this section is guilty of the felony of sexual  
28 offense in the second degree and on conviction is subject to imprisonment for not less than  
29 15 years and not exceeding life.

30 (ii) A court may not suspend any part of the mandatory minimum  
31 sentence of 15 years.

32 (iii) The person is not eligible for parole during the mandatory  
33 minimum sentence.

1 (iv) If the State fails to comply with subsection (d) of this section, the  
2 mandatory minimum sentence shall not apply.

3 (d) If the State intends to seek a sentence of imprisonment for not less than 15  
4 years under subsection (c)(2) of this section, the State shall notify the person in writing of  
5 the State's intention at least 30 days before trial.]

6 3-308.

7 (d) (1) Except as provided in paragraph (2) of this subsection, a person who  
8 violates this section is guilty of the misdemeanor of sexual offense in the fourth degree and  
9 on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000  
10 or both.

11 (2) (i) On conviction of a violation of this section, a person who has been  
12 convicted on a prior occasion not arising from the same incident of a violation of §§ 3-303  
13 through **3-310 OF THIS SUBTITLE, § 3-311 OR § 3-312 OF THIS SUBTITLE AS THE**  
14 **SECTIONS EXISTED BEFORE OCTOBER 1, 2017, [or] § 3-315 of this subtitle, or § 3-602**  
15 **of this title is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000**  
16 **or both.**

17 (ii) If the State intends to proceed against a person under  
18 subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the  
19 Maryland Rules for the indictment and trial of a subsequent offender.

20 [3-311.

21 (a) A person may not attempt to commit a sexual offense in the first degree.

22 (b) A person who violates this section is guilty of a felony and on conviction is  
23 subject to imprisonment not exceeding life.]

24 [3-312.

25 (a) A person may not attempt to commit a sexual offense in the second degree.

26 (b) A person who violates this section is guilty of a felony and on conviction is  
27 subject to imprisonment not exceeding 20 years.]

28 3-313.

29 (a) On conviction of a violation of § 3-304, [§ 3-306,] § 3-307, **OR § 3-310**, or §  
30 **3-312**] of this subtitle, a person who has been convicted on a prior occasion not arising from  
31 the same incident of any violation of [§]§ 3-303 [through 3-306] **OR § 3-304 OF THIS**  
32 **SUBTITLE, OR § 3-305 OR § 3-306** of this subtitle **AS THE SECTIONS EXISTED BEFORE**  
33 **OCTOBER 1, 2017**, is subject to imprisonment not exceeding life.

1 (b) If the State intends to proceed against a person under this section, it shall  
2 comply with the procedures set forth in the Maryland Rules for the indictment and trial of  
3 a subsequent offender.

4 3-314.

5 (f) A sentence imposed for violation of this section may be separate from and  
6 consecutive to or concurrent with a sentence for another crime under §§ 3-303 through  
7 **[3-312] 3-310 OF THIS SUBTITLE, OR § 3-305, § 3-306, § 3-311, OR § 3-312** of this  
8 subtitle **AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017**.

9 3-315.

10 (a) A person may not engage in a continuing course of conduct which includes  
11 three or more acts that would constitute violations of § 3-303, § 3-304, **[§ 3-305, § 3-306,]**  
12 **or § 3-307 of this subtitle, OR VIOLATIONS OF § 3-305 OR § 3-306 OF THIS SUBTITLE**  
13 **AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017**, over a period of 90 days or more,  
14 with a victim who is under the age of 14 years at any time during the course of conduct.

15 (b) (1) A person who violates this section is guilty of a felony and on conviction  
16 is subject to imprisonment not exceeding 30 years.

17 (2) A sentence imposed under this section may be separate from and  
18 consecutive to or concurrent with a sentence under § 3-602 of this title.

19 (c) In determining whether the required number of acts occurred in violation of  
20 this section, the trier of fact:

21 (1) must determine only that the required number of acts occurred; and

22 (2) need not determine which acts constitute the required number of acts.

23 (d) (1) A person may not be charged with a violation of § 3-303, § 3-304, **[§**  
24 **3-305, § 3-306,]** or § 3-307 of this subtitle involving the same victim in the same proceeding  
25 as a violation of this section unless the other violation charged occurred outside the time  
26 period charged under this section.

27 (2) A person may not be charged with a violation of § 3-303, § 3-304, **[§**  
28 **3-305, § 3-306,]** or § 3-307 of this subtitle involving the same victim unless the violation  
29 charged occurred outside the time period charged under this section.

30 3-316.

31 If a person is transported with the intent to violate a provision of §§ 3-303 through  
32 **[3-312] 3-310, § 3-314, or § 3-315** of this subtitle, and the intent is followed by actual

1 violation of a provision of §§ 3–303 through [3–312] **3–310**, § 3–314, or § 3–315 of this  
2 subtitle, the defendant may be tried in the appropriate court in a county where the  
3 transportation was offered, solicited, begun, continued, or ended.

4 3–317.

5 (a) An indictment, information, or warrant for a crime under §§ 3–303 through  
6 [3–312] **3–310** or § 3–314 of this subtitle is sufficient if it substantially states:

7 “(name of defendant) on (date) in (county) committed a rape or sexual offense on  
8 (name of victim) in violation of (section violated) against the peace, government, and dignity  
9 of the State.”.

10 (b) In a case in which the general form of indictment, information, or warrant  
11 described in subsection (a) of this section is used, the defendant is entitled to a bill of  
12 particulars specifically setting forth the allegations against the defendant.

13 3–320.

14 In a criminal prosecution under §§ 3–303 through [3–312] **3–310**, § 3–314, or §  
15 3–315 of this subtitle, a judge may not instruct the jury:

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

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

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

## 22 Article – Criminal Procedure

23 6–220.

24 (d) Notwithstanding subsections (b) and (c) of this section, a court may not stay  
25 the entering of judgment and place a defendant on probation for:

26 (3) a violation of any of the provisions of §§ 3–303 through 3–307, §§ 3–309  
27 through [3–312] **3–310**, § 3–315, or § 3–602 of the Criminal Law Article for a crime  
28 involving a person under the age of 16 years; or

29 6–222.

30 (a) A circuit court or the District Court may:

1 (1) impose a sentence for a specified time and provide that a lesser time be  
2 served in confinement;

3 (2) suspend the remainder of the sentence; and

4 (3) (i) order probation for a time longer than the sentence but, subject  
5 to subsections (b) and (c) of this section, not longer than:

6 1. 5 years if the probation is ordered by a circuit court; or

7 2. 3 years if the probation is ordered by the District Court; or

8 (ii) if a defendant convicted of sexual abuse of a minor under § 3–602  
9 of the Criminal Law Article [or], a crime involving a minor under § 3–303, § 3–304, [§  
10 3–305, § 3–306,] or § 3–307 of the Criminal Law Article, **OR A CRIME INVOLVING A MINOR**  
11 **UNDER § 3–305 OR § 3–306 OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS**  
12 **EXISTED BEFORE OCTOBER 1, 2017**, consents in writing, order probation for a time  
13 longer than the sentence that was imposed on the defendant, but not longer than:

14 1. 10 years if the probation is ordered by a circuit court; or

15 2. 6 years if the probation is ordered by the District Court.

16 11–304.

17 (b) Subject to subsections (c), (d), and (e) of this section, the court may admit into  
18 evidence in a juvenile court proceeding or in a criminal proceeding an out of court statement  
19 to prove the truth of the matter asserted in the statement made by a child victim who:

20 (1) is under the age of 13 years; and

21 (2) is the alleged victim or the child alleged to need assistance in the case  
22 before the court concerning:

23 (i) child abuse under § 3–601 or § 3–602 of the Criminal Law Article;

24 (ii) rape or sexual offense under §§ 3–303 through 3–307 of the  
25 Criminal Law Article;

26 (iii) attempted rape [or attempted sexual offense] in the first degree  
27 or in the second degree under §§ 3–309 [through 3–312] **AND 3–310** of the Criminal Law  
28 Article; or

29 (iv) in a juvenile court proceeding, abuse or neglect as defined in §  
30 5–701 of the Family Law Article.

1 11-701.

2 (a) In this subtitle the following words have the meanings indicated.

3 (j) “Sexually violent offense” means:

4 (1) a violation of [§]§ 3-303 [through 3-307 or §§ 3-309 through 3-312], §  
5 **3-304, § 3-309, OR § 3-310** of the Criminal Law Article, **OR § 3-305, § 3-306, § 3-311,**  
6 **OR § 3-312 OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS EXISTED BEFORE**  
7 **OCTOBER 1, 2017;**

8 (2) assault with intent to commit rape in the first or second degree or a  
9 sexual offense in the first or second degree as prohibited on or before September 30, 1996,  
10 under former Article 27, § 12 of the Code; or

11 (3) a crime committed in another jurisdiction, federal or military court, or  
12 foreign country that, if committed in this State, would constitute one of the crimes listed in  
13 item (1) or (2) of this subsection.

14 (q) “Tier III sex offender” means a person who has been convicted of:

15 (1) conspiring to commit, attempting to commit, or committing a violation  
16 of:

17 (i) § 2-201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;

18 (ii) § 3-303, § 3-304, [§ 3-305, § 3-306,] § 3-307(a)(1) or (2), §  
19 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-323, or § 3-602 of the Criminal Law Article;

20 (iii) § 3-502 of the Criminal Law Article, if the victim is a minor;

21 (iv) § 3-502 of the Criminal Law Article, if the victim is an adult, and  
22 the person has been ordered by the court to register under this subtitle; [or]

23 (v) the common law offense of sodomy or § 3-322 of the Criminal  
24 Law Article if the offense was committed with force or threat of force; **OR**

25 **(VI) § 3-305 OR § 3-306 OF THE CRIMINAL LAW ARTICLE AS THE**  
26 **SECTIONS EXISTED BEFORE OCTOBER 1, 2017;**

27 (2) conspiring to commit, attempting to commit, or committing a violation  
28 of § 3-307(a)(3), § 3-314, § 3-503, or § 3-603 of the Criminal Law Article, if the victim is  
29 under the age of 14 years;

30 (3) conspiring to commit, attempting to commit, or committing the common  
31 law offense of false imprisonment, if the victim is a minor;

1 (4) conspiring to commit, attempting to commit, or committing an offense  
2 that would require the person to register as a tier I or tier II sex offender after the person  
3 was already registered as a tier II sex offender;

4 (5) a crime committed in a federal, military, tribal, or other jurisdiction  
5 that, if committed in this State, would constitute one of the crimes listed in items (1)  
6 through (3) of this subsection; or

7 (6) a crime in a court of Canada, Great Britain, Australia, New Zealand, or  
8 any other foreign country where the United States Department of State has determined in  
9 its Country Reports on Human Rights Practices that an independent judiciary generally or  
10 vigorously enforced the right to a fair trial during the year in which the conviction occurred  
11 that, if the crime were committed in this State, would constitute one of the crimes listed in  
12 items (1) through (3) of this subsection.

13 11-704.

14 (c) (1) A person who has been adjudicated delinquent for an act that, if  
15 committed by an adult, would constitute a violation of § 3-303[,] OR § 3-304[, § 3-305, or  
16 § 3-306] of the Criminal Law Article, **§ 3-305 OR § 3-306 OF THE CRIMINAL LAW**  
17 **ARTICLE AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017**, or § 3-307(a)(1) or (2)  
18 or § 3-308(b)(1) of the Criminal Law Article involving conduct described in § 3-301(e)(2) of  
19 the Criminal Law Article, shall register with the person's supervising authority if:

20 (i) the person was a minor who was at least 13 years old at the time  
21 the delinquent act was committed;

22 (ii) the State's Attorney or the Department of Juvenile Services  
23 requests that the person be required to register;

24 (iii) 90 days prior to the time the juvenile court's jurisdiction over the  
25 person terminates under § 3-8A-07 of the Courts Article, the court, after a hearing,  
26 determines under a clear and convincing evidence standard that the person is at significant  
27 risk of committing a sexually violent offense or an offense for which registration as a tier II  
28 sex offender or tier III sex offender is required; and

29 (iv) the person is at least 18 years old.

30 (2) If the person has committed a delinquent act that would cause the court  
31 to make a determination regarding registration under paragraph (1) of this subsection:

32 (i) the State's Attorney shall serve written notice to the person or  
33 the person's counsel at least 30 days before a hearing to determine if the person is required  
34 to register under this section; and

35 (ii) the Department of Juvenile Services shall:

1                                   1.     provide the court with any information necessary to make  
2 the determination; and

3                                   2.     conduct any follow-up the court requires.

4                   (3)     The form of petitions and all other pleadings under this subsection and,  
5 except as otherwise provided under Title 3 of the Courts and Judicial Proceedings Article,  
6 the procedures to be followed by the court under this subsection shall be specified in the  
7 Maryland Rules.

8                   (4)     The court may order an evaluation of the person in making the  
9 determination under paragraph (1) of this subsection.

10 11-704.1.

11           (a)     In this section, “juvenile registrant” means a person who is required to be  
12 included in the registry of juvenile sex offenders under subsection (b) of this section.

13           (b)     A person shall be included in a registry of juvenile sex offenders that is  
14 maintained by the Department separately from the sex offender registry if:

15                   (1)     the person has been adjudicated delinquent for an act that, if committed  
16 by an adult[,]:

17                           (I)     would constitute a violation of § 3-303, § 3-304, [§ 3-305, §  
18 3-306(a)(1) or (2),] or § 3-307(a)(1) or (2) of the Criminal Law Article; **OR**

19                           (II)    **WOULD CONSTITUTE A VIOLATION OF § 3-305 OR §**  
20 **3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS EXISTED**  
21 **BEFORE OCTOBER 1, 2017; and**

22                   (2)     the person was a minor who was at least 14 years old at the time the  
23 delinquent act was committed.

24           (c)     The registry of juvenile sex offenders shall be accessible only by law  
25 enforcement personnel for law enforcement purposes.

26           (d)     When the juvenile court’s jurisdiction over a juvenile registrant terminates  
27 under § 3-8A-07 of the Courts Article, the juvenile registrant shall be removed from the  
28 registry.

29           (e)     A juvenile registrant shall appear in person at a location designated by the  
30 Department of Juvenile Services every 3 months to:

1 (1) update and verify with the Department of Juvenile Services the  
2 information included in the registry of juvenile sex offenders under this section; and

3 (2) allow the Department of Juvenile Services to take a digital image of the  
4 juvenile registrant.

5 11-723.

6 (a) Except where a term of natural life without the possibility of parole is imposed,  
7 a sentence for the following persons shall include a term of lifetime sexual offender  
8 supervision:

9 (1) a person who is a sexually violent predator;

10 (2) a person who has been convicted of a violation of:

11 (I) § 3-303[,] OR § 3-304[, § 3-305, or § 3-306(a)(1) or (2)] of the  
12 Criminal Law Article; OR

13 (II) § 3-305 OR § 3-306(A)(1) OR (2) OF THE CRIMINAL LAW  
14 ARTICLE AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017;

15 (3) a person who has been convicted of a violation of § 3-309[,] OR § 3-310  
16 OF THE CRIMINAL LAW ARTICLE, [or] § 3-311 of the Criminal Law Article AS THE  
17 SECTION EXISTED BEFORE OCTOBER 1, 2017, or an attempt to commit a violation of §  
18 3-306(a)(1) or (2) of the Criminal Law Article AS THE SECTION EXISTED BEFORE  
19 OCTOBER 1, 2017;

20 (4) a person who has been convicted of a violation of § 3-602 of the Criminal  
21 Law Article involving a child under the age of 12 years;

22 (5) a person who is required to register under § 11-704(c) of this subtitle;  
23 and

24 (6) a person who has been convicted more than once arising out of separate  
25 incidents of a crime that requires registration under this subtitle.

26 11-922.

27 In this part, “sexual assault” means rape or a sexual offense in any degree that is  
28 specified in §§ 3-303 through [3-312] 3-310, § 3-314, or § 3-315 of the Criminal Law  
29 Article.

30 **Article – Family Law**

31 4-506.

1 (k) (1) Notwithstanding any other provision of this section, the court shall  
2 issue a new final protective order against an individual if:

3 (i) the individual was previously a respondent under this subtitle  
4 against whom a final protective order was issued;

5 (ii) for the act of abuse that led to the issuance of the final protective  
6 order, the individual was convicted and sentenced to serve a term of imprisonment of at  
7 least 5 years under § 2-205, § 2-206, § 3-202, § 3-203, § 3-303, § 3-304, [§ 3-305, §  
8 3-306,] § 3-309, **OR** § 3-310[, § 3-311, or § 3-312] of the Criminal Law Article, **§ 3-305, §**  
9 **3-306, § 3-311, OR § 3-312 OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS**  
10 **EXISTED BEFORE OCTOBER 1, 2017**, or for conspiracy or solicitation to commit murder  
11 and the individual has served at least 12 months of the sentence; and

12 (iii) the victim of the abuse who was the person eligible for relief in  
13 the original final protective order requests the issuance of a new final protective order.

14 (2) In a final protective order issued under this subsection, the court may  
15 grant only the relief that was granted in the original protective order under subsection  
16 (d)(1) or (2) of this section.

17 (3) Unless terminated at the request of the victim, a final protective order  
18 issued under this subsection shall be permanent.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.