

SENATE BILL 316

E1

8lr1814

By: **Senator Lee**

Introduced and read first time: January 23, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2018

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Continuing Course of Conduct With a Child – Unit of**
3 **Prosecution**

4 FOR the purpose of establishing that a unit of prosecution for a continuing course of
5 unlawful sexual conduct with a victim under the age of 14 years includes a certain
6 number of acts that would constitute certain criminal violations over a certain period
7 of time; establishing that violations that occur in different periods of time are
8 separate violations; and generally relating to the crime of continuing course of
9 conduct with a child.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–315
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2017 Supplement)

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

17 **Article – Criminal Law**
18 3–315.

19 (a) A person may not engage in a continuing course of conduct which includes
20 three [or more] acts that would constitute violations of § 3–303, § 3–304, or § 3–307 of this

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 subtitle, or violations of § 3–305 or § 3–306 of this subtitle as the sections existed before
 2 October 1, 2017, over a period of 90 days or more, with a victim who is under the age of 14
 3 years at any time during the course of conduct.

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

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

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

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

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

12 (d) (1) A person may not be charged with a violation of § 3–303, § 3–304, or §
 13 3–307 of this subtitle involving the same victim in the same proceeding as a violation of
 14 this section unless the other violation charged occurred outside the time period charged
 15 under this section.

16 (2) A person may not be charged with a violation of § 3–303, § 3–304, or §
 17 3–307 of this subtitle involving the same victim unless the violation charged occurred
 18 outside the time period charged under this section.

19 **(E) FOR PURPOSES OF PROSECUTION UNDER THIS SECTION, VIOLATIONS**
 20 **OF SUBSECTION (A) OF THIS SECTION THAT OCCUR IN SEPARATE PERIODS OF 90**
 21 **DAYS OR MORE SHALL BE CONSIDERED SEPARATE VIOLATIONS.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 23 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.