

# 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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## A BILL ENTITLED

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  
23 (2012 Replacement Volume and 2016 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – Criminal Procedure  
26 Section 6–220(d)(3), 6–222(a), 11–304(b), 11–701(j) and (q), 11–704(c), 11–704.1,  
27 11–723(a), and 11–922

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2008 Replacement Volume and 2016 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – Criminal Procedure  
5 Section 11–701(a)  
6 Annotated Code of Maryland  
7 (2008 Replacement Volume and 2016 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Family Law  
10 Section 4–506(k)  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2016 Supplement)

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

15 **Article – Correctional Services**

16 3–702.

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

21 (b) An inmate who is serving a sentence for a violation of § 3–303[,] OR § 3–304  
22 **OF THE CRIMINAL LAW ARTICLE INVOLVING A VICTIM WHO IS A CHILD UNDER THE**  
23 **AGE OF 16 YEARS, OR AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF**  
24 **§ 3–305[,] or § 3–306 of the Criminal Law Article, AS THE SECTIONS EXISTED BEFORE**  
25 **OCTOBER 1, 2017**, involving a victim who is a child under the age of 16 years, is not  
26 entitled to a diminution of the inmate’s term of confinement as provided under this subtitle.

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

32 9–201.

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

34 (2) “Sexual offense” means:

1 (i) a violation of:

2 1. § 3-305[,] OR § 3-306[,] OF THE CRIMINAL LAW  
3 ARTICLE AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017; OR

4 2. § 3-307, § 3-308, § 3-309, § 3-310, § 3-311, or § 3-312 of  
5 the Criminal Law Article; or

6 (ii) an attempt to violate:

7 1. § 3-305[,] OR § 3-306[,] OF THE CRIMINAL LAW  
8 ARTICLE, AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017, AS A PRINCIPAL OR  
9 AN AIDER OR ABETTOR; OR

10 2. § 3-307[,] or § 3-308 of the Criminal Law Article as a  
11 principal or an aider or abettor.

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

13 (i) the Patuxent Institution; or

14 (ii) the Baltimore City Detention Center.

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

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

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

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

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

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

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

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

## Article – Criminal Law

3–303.

(a) A person may not:

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

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

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

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

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

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

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

7 (b) A person may not violate subsection (a) of this section while also violating §  
8 3–503(a)(2) of this title involving a victim who is a child under the age of 16 years.

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

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

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

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

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

25 (ii) A court may not suspend any part of the mandatory minimum  
26 sentence of 25 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 (e) of this section, the  
30 mandatory minimum sentence shall not apply.

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

1 3–304.

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

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

5 (2) if the victim is a substantially cognitively impaired individual, a  
6 mentally incapacitated individual, or a physically helpless individual, and the person  
7 performing the act knows or reasonably should know that the victim is a substantially  
8 cognitively impaired individual, a mentally incapacitated individual, or a physically  
9 helpless individual; or

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

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

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

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

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

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

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

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

30 [3–305.

31 (a) A person may not:

32 (1) engage in a sexual act with another by force, or the threat of force,  
33 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 sexual offense in  
17 the first 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 sexual offense in the first degree and on conviction is subject to imprisonment not  
20 exceeding life 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 sexual offense in the first degree and on conviction is subject to imprisonment not  
23 exceeding life without the possibility of parole if the defendant was previously convicted of  
24 violating this section or § 3-303 of this subtitle.

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 sexual  
27 offense in the first degree and on conviction is subject to imprisonment for not less than 25  
28 years and not 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.

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

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

7 [3-306.

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

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

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

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

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

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

22 (2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years  
23 of age or older who violates subsection (b) of this section is guilty of the felony of sexual  
24 offense in the second degree and on conviction is subject to imprisonment for not less than  
25 15 years and not exceeding life.

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

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

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

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

1 3-308.

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

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

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

15 [3-311.

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

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

19 [3-312.

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

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

23 3-313.

24 (a) On conviction of a violation of § 3-304, [§ 3-306,] § 3-307, **OR** § 3-310[, or §  
25 3-312] of this subtitle, a person who has been convicted on a prior occasion not arising from  
26 the same incident of any violation of [§]§ 3-303 [through 3-306] **OR § 3-304 OF THIS**  
27 **SUBTITLE, OR § 3-305 OR § 3-306** of this subtitle **AS THE SECTIONS EXISTED BEFORE**  
28 **OCTOBER 1, 2017,** is subject to imprisonment not exceeding life.

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

32 3-314.

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

5 3–315.

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

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

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

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

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

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

19 (d) (1) A person may not be charged with a violation of § 3–303, § 3–304, **[§**  
20 **3–305, § 3–306,]** or § 3–307 of this subtitle involving the same victim in the same proceeding  
21 as a violation of this section unless the other violation charged occurred outside the time  
22 period charged under this section.

23 (2) 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 unless the violation  
25 charged occurred outside the time period charged under this section.

26 3–316.

27 If a person is transported with the intent to violate a provision of §§ 3–303 through  
28 **[3–312] 3–310**, § 3–314, or § 3–315 of this subtitle, and the intent is followed by actual  
29 violation of a provision of §§ 3–303 through **[3–312] 3–310**, § 3–314, or § 3–315 of this  
30 subtitle, the defendant may be tried in the appropriate court in a county where the  
31 transportation was offered, solicited, begun, continued, or ended.

32 3–317.

1 (a) An indictment, information, or warrant for a crime under §§ 3–303 through  
2 [3–312] **3–310** or § 3–314 of this subtitle is sufficient if it substantially states:

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

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

9 3–320.

10 In a criminal prosecution under §§ 3–303 through [3–312] **3–310**, § 3–314, or §  
11 3–315 of this subtitle, a judge may not instruct the jury:

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

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

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

## 18 Article – Criminal Procedure

19 6–220.

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

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

25 6–222.

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

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

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

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

- 1 1. 5 years if the probation is ordered by a circuit court; or
- 2 2. 3 years if the probation is ordered by the District Court; or

3 (ii) if a defendant convicted of sexual abuse of a minor under § 3–602  
4 of the Criminal Law Article [or], a crime involving a minor under § 3–303, § 3–304, [§  
5 3–305, § 3–306,] or § 3–307 of the Criminal Law Article, **OR A CRIME INVOLVING A MINOR**  
6 **UNDER § 3–305 OR § 3–306 OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS**  
7 **EXISTED BEFORE OCTOBER 1, 2017**, consents in writing, order probation for a time  
8 longer than the sentence that was imposed on the defendant, but not longer than:

- 9 1. 10 years if the probation is ordered by a circuit court; or
- 10 2. 6 years if the probation is ordered by the District Court.

11 11–304.

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

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

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

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

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

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

24 (iv) in a juvenile court proceeding, abuse or neglect as defined in §  
25 5–701 of the Family Law Article.

26 11–701.

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

28 (j) “Sexually violent offense” means:

1 (1) a violation of [§]§ 3–303 [through 3–307 or §§ 3–309 through 3–312], §  
2 **3–304, § 3–309, OR § 3–310** of the Criminal Law Article, **OR § 3–305, § 3–306, § 3–311,**  
3 **OR § 3–312 OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS EXISTED BEFORE**  
4 **OCTOBER 1, 2017;**

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

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

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

12 (1) conspiring to commit, attempting to commit, or committing a violation  
13 of:

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

15 (ii) § 3–303, § 3–304, [§ 3–305, § 3–306,] § 3–307(a)(1) or (2), §  
16 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–323, or § 3–602 of the Criminal Law Article;

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

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

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

22 **(VI) § 3–305 OR § 3–306 OF THE CRIMINAL LAW ARTICLE AS THE**  
23 **SECTIONS EXISTED BEFORE OCTOBER 1, 2017;**

24 (2) conspiring to commit, attempting to commit, or committing a violation  
25 of § 3–307(a)(3), § 3–314, § 3–503, or § 3–603 of the Criminal Law Article, if the victim is  
26 under the age of 14 years;

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

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

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

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

10 11-704.

11 (c) (1) A person who has been adjudicated delinquent for an act that, if  
12 committed by an adult, would constitute a violation of § 3-303[,] OR § 3-304[, § 3-305, or  
13 § 3-306] of the Criminal Law Article, **§ 3-305 OR § 3-306 OF THE CRIMINAL LAW**  
14 **ARTICLE AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017**, or § 3-307(a)(1) or (2)  
15 or § 3-308(b)(1) of the Criminal Law Article involving conduct described in § 3-301(e)(2) of  
16 the Criminal Law Article, shall register with the person's supervising authority if:

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

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

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

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

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

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

32 (ii) the Department of Juvenile Services shall:

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

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

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

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

7 11-704.1.

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

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

12           (1) the person has been adjudicated delinquent for an act that, if committed  
13 by an adult[,];

14                   (I) would constitute a violation of § 3-303, § 3-304, [§ 3-305, §  
15 3-306(a)(1) or (2),] or § 3-307(a)(1) or (2) of the Criminal Law Article; **OR**

16                   (II) **WOULD CONSTITUTE A VIOLATION OF § 3-305 OR §**  
17 **3-306(A)(1) OR (2) OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS EXISTED**  
18 **BEFORE OCTOBER 1, 2017; and**

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

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

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

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

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

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

1 11-723.

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

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

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

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

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

11 (3) a person who has been convicted of a violation of § 3-309[,] OR § 3-310  
12 OF THE CRIMINAL LAW ARTICLE, [or] § 3-311 of the Criminal Law Article AS THE  
13 SECTION EXISTED BEFORE OCTOBER 1, 2017, or an attempt to commit a violation of §  
14 3-306(a)(1) or (2) of the Criminal Law Article AS THE SECTION EXISTED BEFORE  
15 OCTOBER 1, 2017;

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

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

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

22 11-922.

23 In this part, "sexual assault" means rape or a sexual offense in any degree that is  
24 specified in §§ 3-303 through [3-312] 3-310, § 3-314, or § 3-315 of the Criminal Law  
25 Article.

## 26 Article – Family Law

27 4-506.

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

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

1                   (ii) for the act of abuse that led to the issuance of the final protective  
2 order, the individual was convicted and sentenced to serve a term of imprisonment of at  
3 least 5 years under § 2-205, § 2-206, § 3-202, § 3-203, § 3-303, § 3-304, [§ 3-305, §  
4 3-306,] § 3-309, OR § 3-310[, § 3-311, or § 3-312] of the Criminal Law Article, **§ 3-305, §  
5 3-306, § 3-311, OR § 3-312 OF THE CRIMINAL LAW ARTICLE AS THE SECTIONS  
6 EXISTED BEFORE OCTOBER 1, 2017**, or for conspiracy or solicitation to commit murder  
7 and the individual has served at least 12 months of the sentence; and

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

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

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

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