

CHAPTER 574

(House Bill 715)

AN ACT concerning

Crimes and Punishments - [[Sexual Offenses]] Rape

FOR the purpose of providing [[for the admission of]] criteria, standards, circumstances and the manner in which certain evidence [[in sexual offense]] is to be admitted in the trial of rape cases.

BY adding to

Article 27 - Crimes and Punishments
Section [[551 1/2]] 461A
Annotated Code of Maryland
(1971 Replacement Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That new Section [[551 1/2]] 461A be and it is hereby added to Article 27 - Crimes and Punishments, of the Annotated Code of Maryland (1971 Replacement Volume and 1975 Supplement) to read as follows:

Article 27 - Crimes and Punishments

[[555 1/2]] 461A. ADMISSIBILITY OF EVIDENCE IN [[SEXUAL OFFENSE]] RAPE CASES.

(A) EVIDENCE RELATING TO A VICTIM'S REPUTATION FOR CHASTITY AND OPINION EVIDENCE RELATING TO A VICTIM'S CHASTITY ARE NOT ADMISSIBLE IN ANY PROSECUTION FOR COMMISSION OF A [[SEXUAL OFFENSE]] RAPE. EVIDENCE OF SPECIFIC INSTANCES OF THE VICTIM'S PRIOR SEXUAL CONDUCT MAY BE ADMITTED ONLY IF THE JUDGE FINDS THE EVIDENCE IS RELEVANT AND IS MATERIAL TO A FACT IN ISSUE IN THE CASE AND THAT ITS INFLAMMATORY OR PREJUDICIAL NATURE DOES NOT OUTWEIGH ITS PROBATIVE VALUE, AND IF THE EVIDENCE IS:

(1) EVIDENCE OF THE VICTIM'S PAST SEXUAL CONDUCT WITH THE DEFENDANT; OR

(2) EVIDENCE OF SPECIFIC INSTANCES OF SEXUAL ACTIVITY SHOWING THE SOURCE OR ORIGIN OF SEMEN, PREGNANCY, DISEASE, OR TRAUMA; OR

(3) EVIDENCE WHICH SUPPORTS A CLAIM THAT THE VICTIM HAS AN ULTERIOR MOTIVE IN ACCUSING THE DEFENDANT OF THE CRIME; OR

(4) EVIDENCE OFFERED FOR THE PURPOSE OF