

(H) IF THE STATE FAILS TO COMPLY WITH SUBSECTION (E) OF THIS SECTION, THE MANDATORY MINIMUM SENTENCE SHALL NOT APPLY.

~~[(d)](E) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection [(c)(2) or (3)] (D)(2), (3), OR (4) of this section, OR IMPRISONMENT FOR NOT LESS THAN 25 YEARS UNDER SUBSECTION (D)(4) OF THIS SECTION, the State shall notify the person in writing of the State's intention at least 30 days before trial.~~

~~§ 304.~~

~~(a) A person may not engage in vaginal intercourse with another:~~

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

~~(2) 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 that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or~~

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

~~(B) A PERSON AT LEAST 18 YEARS OLD MAY NOT VIOLATE OR ATTEMPT TO VIOLATE THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.~~

~~[(b)](C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.~~

~~(2) (1) SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH, A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF RAPE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 15 5 YEARS AND NOT EXCEEDING LIFE 20 YEARS.~~

~~(H) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 15 5 YEARS.~~

~~(H) EXCEPT AS PROVIDED IN § 4 305 OF THE CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 15 YEARS.~~

(H) IF THE STATE FAILS TO COMPLY WITH SUBSECTION (D) OF THIS SECTION, THE MANDATORY MINIMUM SENTENCE SHALL NOT APPLY.

(D) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR NOT LESS THAN 5 YEARS UNDER SUBSECTION (C)(2) OF THIS SECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30 DAYS BEFORE TRIAL.