

(B) A PERSON 18 YEARS OF AGE OR OLDER MAY NOT VIOLATE SUBSECTION (A)(1) OR (2) OF THIS SECTION INVOLVING 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 SUBSECTION (A) OF 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) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A PERSON 18 YEARS OF AGE OR OLDER 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 5 YEARS AND NOT EXCEEDING 20 YEARS.

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

(III) IF THE STATE FAILS TO COMPLY WITH SUBSECTION (D) OF THIS SECTION, THE MANDATORY MINIMUM 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.

3-305.

(a) A person may not:

(1) 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;

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

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

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

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

(C) A PERSON 18 YEARS OF AGE OR OLDER MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A CHILD UNDER THE AGE OF 13 YEARS.