

[(c)] (D) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this subsection, a person who violates subsection (a) of this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life.

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

(3) A person who violates this section is guilty of the felony of sexual offense in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if the defendant was previously convicted of violating this section or § 3-303 of this subtitle.

(4) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A PERSON 18 YEARS OF AGE OR OLDER WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 25 YEARS AND NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(II) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 25 YEARS.

(III) 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.

3-306.

(a) A person may not engage in a sexual act 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 sexual 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 sexual act is at least 4 years older than the victim.

(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.