

(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) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a person who violates SUBSECTION (A) OF this section is guilty of the felony of rape 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 RAPE 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 rape in the first degree and on conviction is subject to imprisonment not exceeding life without the possibility of parole if:

(i) the person is convicted in the same proceeding of violating § 3-503(a)(2) of this title and the victim was a child under the age of 16 years; or

(ii) the defendant was previously convicted of violating this section or § 3-305 of this subtitle.

[(c)] (D) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection [(b)(2)] (C)(2) OR (3) 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