

WILLIAM DONALD SCHAEFER, Governor

imminently subjected to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or

(iv) Commits the offense aided and abetted by one or more other persons; or

(2) With another person who is mentally defective, mentally incapacitated, or physically helpless, and the person knows or should reasonably know the other person is mentally defective, mentally incapacitated, or physically helpless; or

(3) With another person who is under 14 years of age and the person performing the sexual contact is four or more years older than the victim.

(b) Any person violating the provisions of this section is guilty of a felony and upon conviction is subject to imprisonment for a period of not more than 10 years.

464C.

(a) A person is guilty of a sexual offense in the fourth degree if the person engages:

(1) In sexual contact with another person against the will and without the consent of the other person; or

(2) In a sexual act with another person who is 14 or 15 years of age and the person performing the sexual act is four or more years older than the other person; or

(3) In vaginal intercourse with another person who is 14 or 15 years of age and the person performing the act is four or more years older than the other person.

(b) Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to imprisonment for a period of not more than one year, or a fine of not more than \$1,000, or both fine and imprisonment.

464D.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, A [A] person may not be prosecuted under §§ 462, 463, 464B, and 464C of this subheading if the victim is the person's legal spouse at the time of the commission of the alleged rape or sexual offense [unless the parties are living separate and apart pursuant to a decree of limited divorce].

(B) A PERSON MAY BE PROSECUTED UNDER §§ 462(A), 463(A)(1), AND 464B(A)(1)(I) AND (II) OF THIS SUBHEADING FOR AN OFFENSE AGAINST THE PERSON'S LEGAL SPOUSE IF THE PERSON AND THE PERSON'S