

464.

(a) A person is guilty of a sexual offense in the first degree if the person engages in a sexual act with another person by force or threat of force against the will and without the consent of the other person and:

(5) The person commits the offense in connection with [the breaking and entering of a dwelling house] BURGLARY IN THE FIRST, SECOND, OR THIRD DEGREE.

COMMITTEE NOTE:

This change is primarily stylistic and is intended to conform this section to the new burglary offenses established in this bill. However, this change also expands the current law in this area by making this section applicable to an offense involving the breaking and entering of a storehouse (i.e., second degree burglary) as well as an offense involving the breaking and entering of a dwelling.

[490.

Persons deemed rogues and vagabonds. If any person shall be apprehended having upon him any picklock, key, crow, jack, bit, or other implement, at places and under circumstances from which an intent may be presumed feloniously to break and enter into any dwelling house, warehouse, storehouse, stable, motor vehicle or outhouse, or shall have upon him any pistol, hanger, cutlass, bludgeon, or other offensive weapon, also at places and under circumstances from which may be presumed an intent feloniously to assault any person, or shall be found in or upon any dwelling house, warehouse, storehouse, stable or outhouse, or in any enclosed yard or garden or area belonging to any house, or motor vehicle, with an intent to steal any goods or chattels, every such person shall be deemed a rogue and vagabond, and on being convicted thereof shall be guilty of a misdemeanor and shall be sentenced to imprisonment for not more than three years.]

COMMITTEE NOTE:

The portion of this section that relates to buildings is reflected in new § 32. The portion of this section that relates to motor vehicles is reflected in new § 35. The portion of this section that relates to a "pistol, hanger, cutlass, bludgeon, or other offensive weapon" has been repealed because it is redundant in light of Article 27, § 36 of the Code.

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(c) Any person charged with an offense hereinafter enumerated committed during the time that person had been released on bail or his own recognizance for committing an offense hereinafter enumerated, is ineligible to give bail or be released on recognizance on the subsequent charge, until all prior charges hereunder have finally been determined by the courts. But a person charged with a subsequent crime hereinafter set forth, may rebut his ineligibility for release on bail before determination of the prior charge. If, after consideration of the matters presented in rebuttal, the court hearing the application for bail is persuaded that the applicant would not pose a danger to any other person or to the community, and would appear at the time set for trial, the court may allow release pending trial on suitable bail and on such other conditions as will reasonably assure that the person charged will not flee. For the purposes of this subsection, court