

~~(H) IF THE STATE DOES NOT PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (I) OF THIS PARAGRAPH, THE COURT MAY NOT IMPOSE A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE.~~

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The Committee to Revise Article 27 of the Annotated Code recommends that attempted murder be made a felony in order to indicate the seriousness of this crime and to provide that there be no statute of limitations for this offense.

In subsection (b), the penalty for attempted first degree murder includes the possibility of life without parole. Under current law in Article 27, § 644A the sentence for an attempted crime may not exceed the maximum sentence for the completed crime. This provision will clarify that a sentence of life without parole is possible for attempted first degree murder.

441.

(e) The term "crime of violence" means abduction; arson in the first degree; ASSAULT IN THE FIRST OR SECOND DEGREE; burglary in the first, second, or third degree; escape; kidnapping; manslaughter, excepting involuntary manslaughter; ~~mayhem AS PREVIOUSLY PROSCRIBED UNDER FORMER § 384 OF THIS ARTICLE;~~ murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; sexual offense in the first degree; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

461B.

In any criminal prosecution for rape, attempted rape, [assault with intent to commit a rape, assault with intent to commit a sexual offense,] ATTEMPTED SEXUAL OFFENSE, or any other sexual offense, the jury may not be instructed:

- (1) To examine with caution the testimony of the prosecuting witness, solely because of the nature of the charge;
- (2) That the charge is easily made or difficult to disprove, solely because of the nature of the charge; or
- (3) As to any other similar instruction, solely because of the nature of the charge.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The revision of the assault laws repeals the statutory crimes of assault with intent to rape and assault with intent to commit sexual offense. Attempted rape and attempted sexual offense are made felonies under § 464F of this subheading by the revision.

464F. ATTEMPTED RAPE OR SEXUAL OFFENSE.

(A) A PERSON WHO ATTEMPTS TO COMMIT RAPE IN THE SECOND DEGREE OR SEXUAL OFFENSE IN THE SECOND DEGREE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 20 YEARS.