

(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.

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

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The Committee to Revise Article 27 of the Annotated Code recommends that attempted rape and attempted sexual offense in the first and second degrees be made felonies in order to indicate the seriousness of these crimes and to provide that there be no statute of limitations for these offenses. No other changes are intended.

486.

Every person convicted of the crime of robbery OR ATTEMPT TO ROB, or as accessory thereto before the fact, IS GUILTY OF A FELONY, shall restore the thing robbed or taken to the owner, or shall pay to him the full value thereof, and be sentenced to [the penitentiary for not less than three nor] IMPRISONMENT FOR NOT more than [ten] 15 years.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): The Committee recommends that attempted robbery and attempted robbery with a dangerous or deadly weapon be made felonies in order to indicate the seriousness of these crimes and to provide that there be no statute of limitations for these offenses. The reference to "the penitentiary" is stricken as obsolete since sentencing currently is to the local jail or to the Division of Correction, depending on the length of the sentence, under the provisions of Article 27, § 690.

Although the current law appears to provide for a mandatory minimum penalty of 3 years, under the provisions of Article 27, § 643, a judge is given discretion not to impose the minimum penalty. In addition, there is no mandatory minimum penalty for armed robbery under § 488, which provides for a penalty of not more than 20 years imprisonment. In light of this, the Committee recommends that the language ostensibly providing for a mandatory minimum of 3 years be stricken.

In addition, the Committee recommends that the maximum penalty for robbery be increased from 10 to 15 years in order to make the penalty for this offense the same as the current penalty for theft over \$300.