(1993 Replacement Volume and 1996 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–828
Annotated Code of Maryland
(1995 Replacement Volume and 1996 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 12–106 and 12–122
Annotated Code of Maryland
(1994 Replacement Volume and 1996 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–305
Annotated Code of Maryland
(1995 Replacement Volume and 1996 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 – Crimes and Punishments

461A.

(a)   Evidence relating to a victim's reputation for chastity and opinion evidence relating to a victim's chastity are not admissible in any prosecution for commission of a [rape or] RAPE, sexual offense in the first or second [degree] DEGREE, OR ATTEMPTED RAPE OR ATTEMPTED SEXUAL OFFENSE IN THE FIRST OR SECOND DEGREE. Evidence of specific instances of the victim's prior sexual conduct may be admitted only if the judge finds the evidence is relevant and is material to a fact in issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value, and if the evidence is:

(1)   Evidence of the victim's past sexual conduct with the defendant; or

(2)   Evidence of specific instances of sexual activity showing the source or origin of semen, pregnancy, disease, or trauma; or

(3)   Evidence which supports a claim that the victim has an ulterior motive in accusing the defendant of the crime; or

(4)   Evidence offered for the purpose of impeachment when the prosecutor puts the victim's prior sexual conduct in issue.

(b)   Any evidence described in subsection (a) of this section, may not be referred to in any statements to a jury nor introduced at trial without the court holding a prior in camera hearing to determine the admissibility of the evidence. If new information is