CHAPTER 89

(Senate Bill 453)

AN ACT concerning

Sexual Offenses – Reputation and Opinion Evidence and Evidence of Prior Sexual Conduct – Admissibility

FOR the purpose of <u>expanding the application to certain sexual offenses and</u> applying to sexual crimes against both males and females, the sexual abuse of a minor, <u>the sexual abuse of a vulnerable adult,</u> and lesser included crimes a prohibition against admitting in a prosecution reputation and opinion evidence relating to a victim's chastity or abstinence; <u>expanding the application to certain sexual offenses and</u> applying to sexual crimes against both males and females, the sexual abuse of a minor, <u>the sexual abuse of a vulnerable adult,</u> and lesser included crimes an authorization for admitting in a prosecution under certain circumstances a specific instance of a victim's prior sexual conduct; making a technical change; and generally relating to admissibility of reputation and opinion evidence and evidence of <u>certain</u> prior sexual ~~contact~~ <u>conduct</u>.

BY repealing and reenacting, with amendments,
    Article – Criminal Law
    Section 3–319
    Annotated Code of Maryland
    (2002 Volume)

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

Article – Criminal Law

3–319.

(a)   Evidence relating to a victim's reputation for chastity OR ABSTINENCE and opinion evidence relating to a victim's chastity OR ABSTINENCE may not be admitted in a prosecution for [rape, a sexual offense in the first or second degree, attempted rape, or an attempted sexual offense in the first or second degree]:

        (1)   A CRIME SPECIFIED UNDER THIS SUBTITLE OR A LESSER INCLUDED CRIME; ~~OR~~

        (2)   THE SEXUAL ABUSE OF A MINOR UNDER ~~§ 3–601~~ § 3–602 OF THIS TITLE OR A LESSER INCLUDED CRIME; OR

        <u>(3)   THE SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3–604 OF THIS TITLE OR A LESSER INCLUDED CRIME</u>.

(b)   Evidence of a specific instance of a victim's prior sexual conduct may be admitted in a prosecution [for rape, a sexual offense in the first or second degree,