

(I) ~~[if] the person is convicted in the same proceeding of violating § 3-503(a)(2) of this article and the victim was a child under the age of 16 [years,] YEARS; OR~~

~~(II) THE DEFENDANT WAS PREVIOUSLY CONVICTED OF VIOLATING THIS SECTION OR §§ 3-303, 3-304, OR 3-306 § 3-303, § 3-304, OR § 3-306 OF THIS ARTICLE AND THE VICTIM IN THE PREVIOUS VIOLATION WAS A CHILD UNDER THE AGE OF 16 YEARS OF THIS SUBTITLE [imprisonment for life without the possibility of parole].~~

~~(c) If the State intends to seek a sentence of imprisonment for life without the possibility of parole under subsection (b)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.~~

~~3-306.~~

~~(a) A person may not engage in a sexual act with another:~~

~~(1) by force, or the threat of force, without the consent of the other;~~

~~(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the sexual act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or~~

~~(3) if the victim is under the age of 14 years, and the person performing the sexual act is at least 4 years older than the victim.~~

~~(b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of the felony of sexual offense in the second degree and on conviction is subject to imprisonment not exceeding 20 years.~~

~~(2) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE IF:~~

~~(I) THE VICTIM WAS A CHILD UNDER THE AGE OF 16 YEARS;~~

~~(II) THE DEFENDANT WAS PREVIOUSLY CONVICTED OF VIOLATING THIS SECTION OR §§ 3-303, 3-304, OR 3-305 § 3-303, § 3-304, OR § 3-305 OF THIS ARTICLE AND THE VICTIM IN THE PREVIOUS VIOLATION WAS A CHILD UNDER THE AGE OF 16 YEARS.~~

~~(C) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE UNDER SUBSECTION (B)(2) OF THIS SECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30 DAYS BEFORE THE TRIAL.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any offense committed before the effective date of this Act.~~