

to a person "defil[ing]", "corrupt[ing]", or "poison[ing]" a water supply or foodstuffs are deleted as unnecessary in light of the broad references to "contaminat[ing]" those materials.

Also in subsections (a) and (b) of this section, the former references to a person "conniv[ing]" to contaminate water, food, or drink are deleted as included within the references to "conspir[ing]" to contaminate them.

In subsection (c) of this section, the former reference to a person on conviction being subject to imprisonment "in the penitentiary" is deleted for consistency within this article. Currently, inmates are sentenced to the custody of a unit such as the Division of Correction and then are placed in a particular facility. *See* CS § 9-103.

Also in subsection (c) of this section, the former reference to imprisonment "in the discretion of the court" is deleted as implicit in the establishment of a maximum penalty.

Defined term: "Person" § 1-101

### SUBTITLE 3. SEXUAL CRIMES.

#### 3-301. DEFINITIONS.

##### (A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 27, § 461(a).

In this section, the references to this "subtitle" are substituted for the former references to this "subheading", although this subtitle is derived, in part, from material outside of that contained in the former "Sexual Offenses" subheading in Article 27. Because the material revised in this subtitle that was not contained in the former "Sexual Offenses" subheading does not use the terms defined in this section in a manner contrary to the meanings set forth here, no substantive change results.

No other changes are made.

##### (B) MENTALLY DEFECTIVE INDIVIDUAL.

"MENTALLY DEFECTIVE INDIVIDUAL" MEANS AN INDIVIDUAL WHO SUFFERS FROM MENTAL RETARDATION OR A MENTAL DISORDER, EITHER OF WHICH TEMPORARILY OR PERMANENTLY RENDERS THE INDIVIDUAL SUBSTANTIALLY INCAPABLE OF:

- (1) APPRAISING THE NATURE OF THE INDIVIDUAL'S CONDUCT;
- (2) RESISTING VAGINAL INTERCOURSE, A SEXUAL ACT, OR SEXUAL CONTACT; OR