

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF RAPE IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO:

(1) IMPRISONMENT NOT EXCEEDING LIFE; OR

(2) 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, IMPRISONMENT NOT EXCEEDING LIFE WITHOUT THE POSSIBILITY OF PAROLE.

(C) REQUIRED NOTICE.

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.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 462.

In this section and throughout this subtitle, references to "against the will" are deleted as included in the references to "without the consent". The Court of Appeals has determined that "against the will" and "without the consent" are synonymous in the law of rape. *See, e.g., State v. Rusk*, 289 Md. 230 (1981).

In subsection (a)(2)(i) and (ii) of this section, references to the "victim" are substituted for the former references to the "other person" for clarity and consistency within this section.

In subsection (a)(2)(i) of this section, the reference to a "physical object" is substituted for the former word "article" for clarity.

Also in subsection (a)(2)(i) of this section, the word "believes" is substituted for the former word "concludes" for clarity.

Also in subsection (a)(2)(i) of this section, the former references to a "deadly" weapon are deleted as included in the references to a "dangerous" weapon.

In subsection (a)(2)(iii) of this section, the reference to "an individual" known to the victim is substituted for the former reference to "any person", because only a human being may suffer death, strangulation, disfigurement, serious physical injury, or kidnapping.

In subsection (a)(2)(iv) of this section, the reference to "another" is substituted for the former reference to "one or more other persons", for clarity and in light of Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: "Person" § 1-101

"Vaginal intercourse" § 3-301