

(5) ENGAGE IN VAGINAL INTERCOURSE WITH ANOTHER IF THE VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST 21 YEARS OLD.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF SEXUAL OFFENSE IN THE THIRD DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 464B.

In this section and throughout this subtitle, the reference to "against the will" is deleted as included in the reference 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)(1)(ii)1 through 3 and (2) through (5) of this section, the references to the "victim" are substituted for the former references to "another person" for clarity and consistency within this subtitle.

In subsection (a)(1)(ii)1 of this section, the reference to a "physical object" is substituted for the former word "article" for clarity.

Also in subsection (a)(1)(ii)1 of this section, the word "believes" is substituted for the former word "concludes" for clarity.

Also in subsection (a)(1)(ii)1 of this section, the references to a "deadly" weapon are deleted as included in the references to a "dangerous" weapon.

In subsection (a)(1)(ii)4 of this section, reference to "another" is substituted for the former reference to "one or more persons" for clarity and in light of Art. 1, § 8, which provides that the singular generally includes the plural.

Defined terms: "Mentally defective individual" § 3-301

"Mentally incapacitated individual" § 3-301

"Person" § 1-101

"Physically helpless individual" § 3-301

"Sexual act" § 3-301

"Sexual contact" § 3-301

"Vaginal intercourse" § 3-301

3-308. SEXUAL OFFENSE IN THE FOURTH DEGREE.

(A) PROHIBITED.

A PERSON MAY NOT ENGAGE IN:

(1) SEXUAL CONTACT WITH ANOTHER WITHOUT THE CONSENT OF THE OTHER;