

(2) EXCEPT AS PROVIDED IN § 3-307(A)(4) OF THIS SUBTITLE, A SEXUAL ACT WITH ANOTHER IF THE VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE SEXUAL ACT IS AT LEAST 4 YEARS OLDER THAN THE VICTIM; OR

(3) EXCEPT AS PROVIDED IN § 3-307(A)(5) OF THIS SUBTITLE, VAGINAL INTERCOURSE WITH ANOTHER IF THE VICTIM IS 14 OR 15 YEARS OLD, AND THE PERSON PERFORMING THE ACT IS AT LEAST 4 YEARS OLDER THAN THE VICTIM.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF SEXUAL OFFENSE IN THE FOURTH DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

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

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)(2) and (3) of this section, references to the "victim" are substituted for the former references to "another person" and the "other person" for clarity and consistency within this subtitle.

Defined terms: "Person" § 1-101

"Sexual act" § 3-301

"Sexual contact" § 3-301

"Vaginal intercourse" § 3-301

3-309. ATTEMPTED RAPE IN THE FIRST DEGREE.

(A) PROHIBITED.

A PERSON MAY NOT ATTEMPT TO COMMIT RAPE IN THE FIRST DEGREE.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING LIFE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 464F(b), as it applied to attempted rape in the first degree.

Defined term: "Person" § 1-101

3-310. ATTEMPTED RAPE IN THE SECOND DEGREE.

(A) PROHIBITED.

A PERSON MAY NOT ATTEMPT TO COMMIT RAPE IN THE SECOND DEGREE.