

"(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED A RAPE OR SEXUAL OFFENSE ON (NAME OF VICTIM) IN VIOLATION OF (SECTION VIOLATED) AGAINST THE PEACE, GOVERNMENT, AND DIGNITY OF THE STATE."

(B) BILL OF PARTICULARS.

IN A CASE IN WHICH THE GENERAL FORM OF INDICTMENT, INFORMATION, OR WARRANT DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS USED, THE DEFENDANT IS ENTITLED TO A BILL OF PARTICULARS SPECIFICALLY SETTING FORTH THE ALLEGATIONS AGAINST THE DEFENDANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 461C.

In subsection (a) of this section, the reference to "a crime under §§ 3-303 through 3-313 of this subtitle" is substituted for the former reference to "rape or a sexual offense" for clarity and consistency within this subtitle.

Also in subsection (a) of this section, the former archaic phrase "contrary to the form of the Act of Assembly in such case made and provided" is deleted as surplusage.

For specific time limits relating to a bill of particulars, *see* Md. Rule 4-241.

Defined term: "County" § 1-101

3-316. SAME — SPOUSAL DEFENSE.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A PERSON MAY NOT BE PROSECUTED UNDER § 3-303, § 3-304, § 3-307, OR § 3-308 OF THIS SUBTITLE FOR A CRIME AGAINST A VICTIM WHO WAS THE PERSON'S LEGAL SPOUSE AT THE TIME OF THE ALLEGED RAPE OR SEXUAL OFFENSE.

(B) SEPARATION OR USE OF FORCE.

A PERSON MAY BE PROSECUTED UNDER § 3-303(A), § 3-304(A)(1), OR § 3-307(A)(1)(I) AND (II)1 OR 2 OF THIS SUBTITLE FOR A CRIME AGAINST THE PERSON'S LEGAL SPOUSE IF:

(1) AT THE TIME OF THE ALLEGED CRIME THE PERSON AND THE PERSON'S LEGAL SPOUSE HAVE LIVED APART, WITHOUT COHABITATION AND WITHOUT INTERRUPTION:

(I) UNDER A WRITTEN SEPARATION AGREEMENT EXECUTED BY THE PERSON AND THE SPOUSE; OR

(II) FOR AT LEAST 3 MONTHS IMMEDIATELY BEFORE THE ALLEGED RAPE OR SEXUAL OFFENSE; OR

(2) THE PERSON IN COMMITTING THE CRIME USES FORCE AND THE ACT IS WITHOUT THE CONSENT OF THE SPOUSE.