

(2) THAT THE CHARGE IS EASILY MADE OR DIFFICULT TO DISPROVE, SOLELY BECAUSE OF THE NATURE OF THE CHARGE; OR

(3) TO FOLLOW ANOTHER SIMILAR INSTRUCTION, SOLELY BECAUSE OF THE NATURE OF THE CHARGE.

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

The reference to prosecution "under §§ 3-303 through 3-313 of this subtitle" is substituted for the former reference to prosecution "for rape, attempted rape, attempted sexual offense, or any other sexual offense", for clarity, and to distinguish between prosecutions for crimes subject to this section and the other crimes of a sexual nature revised in this subtitle: sodomy, perverted practices, and incest.

### 3-319. SODOMY.

A PERSON WHO IS CONVICTED OF SODOMY IS GUILTY OF A FELONY AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 553.

The reference to being "guilty of a felony" is added to state expressly that which was previously established in the common law of Maryland. See *Davis v. State*, 3 Har. & J. 154 (1810); *Cherry v. State*, 18 Md. App. 252, 265 (1973).

The former redundant reference to the "crime of" sodomy is deleted as surplusage.

The reference to being "subject to imprisonment" is substituted for the former reference to being "sentenced to the penitentiary" 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.

Defined term: "Person" § 1-101

### 3-320. UNNATURAL OR PERVERTED SEXUAL PRACTICE.

(A) PROHIBITED.

A PERSON MAY NOT:

(1) TAKE THE SEXUAL ORGAN OF ANOTHER OR OF AN ANIMAL IN THE PERSON'S MOUTH;

(2) PLACE THE PERSON'S SEXUAL ORGAN IN THE MOUTH OF ANOTHER OR OF AN ANIMAL; OR

(3) COMMIT ANOTHER UNNATURAL OR PERVERTED SEXUAL PRACTICE WITH ANOTHER OR WITH AN ANIMAL.