

~~(4) engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; [or]~~

~~(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;~~

~~(6) ENGAGE IN VAGINAL INTERCOURSE WITH ANOTHER WITHOUT THE CONSENT OF THE OTHER; OR~~

~~(7) ENGAGE IN A SEXUAL ACT WITH ANOTHER WITHOUT THE CONSENT OF THE OTHER.~~

~~(b) 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.~~
~~§ 3-318.~~

(a) 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) 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 OR THREAT OF FORCE and the act is without the consent of the spouse.

(c) A person may be prosecuted under § 3-303, § 3-304, § 3-307, or § 3-308 of this subtitle for a crime against the person's legal spouse if at the time of the alleged crime the person and the spouse live apart, without cohabitation and without interruption, under a decree of limited divorce.‡

~~§ 3-318.~~

~~A PERSON MAY BE PROSECUTED UNDER 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.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.

Approved May 26, 2004.