

FOR the purpose of ~~altering the~~ establishing a penalty for a person convicted of a sexual offense in the fourth degree if the person ~~is an offender required to register as a sexual offender for a prior crime~~ has previously committed a certain offense not arising out of the same incident; and generally relating to sexual crimes.

BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 3-308

Annotated Code of Maryland

(2002 Volume and 2003 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article - Criminal Procedure~~

~~Section 11-701(a), (b), (d), (f), (g), and (h) and 11-704(a)~~

~~Annotated Code of Maryland~~

~~(2001 Volume and 2003 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Criminal Law

3-308.

(a) A person may not engage in:

(1) sexual contact with another without the consent of the other;

(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) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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.

(2) (1) ~~AN OFFENDER REQUIRED TO REGISTER UNDER § 11-704 OF THE CRIMINAL PROCEDURE ARTICLE WHO SUBSEQUENTLY VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF SEXUAL OFFENSE IN THE FOURTH DEGREE AND ON CONVICTION ON CONVICTION OF A VIOLATION OF THIS SECTION, A PERSON WHO HAS BEEN CONVICTED ON A PRIOR OCCASION NOT ARISING FROM THE SAME INCIDENT OF A VIOLATION OF §§ 3-303 THROUGH 3-312 OR § 3-315 OF THIS SUBTITLE OR § 3-602 OF THIS TITLE IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~