

Annotated Code of Maryland  
(2002 Volume and 2007 Supplement)

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

Article - Criminal Law

~~3-304.~~

~~(a) A person may not engage in vaginal intercourse with another:~~

~~(1) by force, or the threat of force, without the consent of the other;~~

~~(2) if the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a mentally defective individual, a mentally incapacitated individual, or a physically helpless individual; or~~

~~(3) if the victim is under the age of 14 years, and the person performing the act is at least 4 years older than the victim.~~

~~(b) A person 18 years of age or older may not violate subsection (a)(1) or (2) of this section involving a child under the age of 13 years.~~

~~(c) (1) Except as provided in paragraph (2) of this subsection AND SUBSECTION (E) OF THIS SECTION, a person who violates subsection (a) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment not exceeding 20 years.~~

~~(2) (i) Subject to subparagraph (iv) of this paragraph, a person 18 years of age or older who violates subsection (b) of this section is guilty of the felony of rape in the second degree and on conviction is subject to imprisonment for not less than 5 years and not exceeding 20 years.~~

~~(ii) A court may not suspend any part of the mandatory minimum sentence of 5 years.~~

~~(iii) The person is not eligible for parole during the mandatory minimum sentence.~~

~~(iv) If the State fails to comply with subsection (d) of this section, the mandatory minimum shall not apply.~~