

~~(d) If the State intends to seek a sentence of imprisonment for not less than 5 years under subsection (c)(2) of this section, the State shall notify the person in writing of the State's intention at least 30 days before trial.~~

~~(E) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, A PERSON WHO IS CONVICTED UNDER SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE SENTENCED TO IMPRISONMENT NOT EXCEEDING 25 YEARS IF THE PERSON PREVIOUSLY HAS BEEN CONVICTED UNDER SUBSECTION (A) OR (B) OF THIS SECTION OR § 3-303, § 3-305, OR § 3-306 OF THIS SUBTITLE.~~

~~§ 3-306.~~

~~(a) A person may not engage in a sexual act 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 sexual 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 sexual 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 this section is guilty of the felony of sexual offense 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 sexual offense 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.~~