

# HOUSE BILL 351

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2lr1014  
CF 2lr1887

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By: **Delegates Clippinger, Anderson, Arora, Dumais, Glenn, Guzzone, Hough, Howard, A. Kelly, Lee, Luedtke, McComas, McDermott, A. Miller, Parrott, Simmons, Smigiel, Valentino-Smith, Waldstreicher, and Wilson**  
Introduced and read first time: January 30, 2012  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Third Degree Sexual Offense – Burglary**

3 FOR the purpose of establishing that engaging in sexual contact with another without  
4 the consent of the other in connection with a first, second, or third degree  
5 burglary constitutes sexual offense in the third degree; providing for the  
6 application of this Act; and generally relating to sexual offense in the third  
7 degree.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 3–307  
11 Annotated Code of Maryland  
12 (2002 Volume and 2011 Supplement)

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

15 **Article – Criminal Law**

16 3–307.

17 (a) A person may not:

18 (1) (i) engage in sexual contact with another without the consent of  
19 the other; and

20 (ii) 1. employ or display a dangerous weapon, or a physical  
21 object that the victim reasonably believes is a dangerous weapon;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   2.     suffocate, strangle, disfigure, or inflict serious  
2 physical injury on the victim or another in the course of committing the crime;

3                   3.     threaten, or place the victim in fear, that the victim,  
4 or an individual known to the victim, imminently will be subject to death, suffocation,  
5 strangulation, disfigurement, serious physical injury, or kidnapping; [or]

6                   4.     commit the crime while aided and abetted by another;  
7 **OR**

8                   **5.     COMMIT THE CRIME IN CONNECTION WITH A**  
9 **BURGLARY IN THE FIRST DEGREE UNDER § 6-202 OF THIS ARTICLE, A**  
10 **BURGLARY IN THE SECOND DEGREE UNDER § 6-203 OF THIS ARTICLE, OR A**  
11 **BURGLARY IN THE THIRD DEGREE UNDER § 6-204 OF THIS ARTICLE;**

12                   (2)    engage in sexual contact with another if the victim is a mentally  
13 defective individual, a mentally incapacitated individual, or a physically helpless  
14 individual, and the person performing the act knows or reasonably should know the  
15 victim is a mentally defective individual, a mentally incapacitated individual, or a  
16 physically helpless individual;

17                   (3)    engage in sexual contact with another if the victim is under the age  
18 of 14 years, and the person performing the sexual contact is at least 4 years older than  
19 the victim;

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

22                   (5)    engage in vaginal intercourse with another if the victim is 14 or 15  
23 years old, and the person performing the act is at least 21 years old.

24                   (b)    A person who violates this section is guilty of the felony of sexual offense  
25 in the third degree and on conviction is subject to imprisonment not exceeding 10  
26 years.

27                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
28 construed to apply only prospectively and may not be applied or interpreted to have  
29 any effect on or application to any acts committed before the effective date of this Act.

30                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2012.