

10 An Act Concerning  
20 **THE EXPANSION OF PENALTY TO PEOPLE COMMITTING CERTAIN ACTS OF RAPE**

30 FOR the purpose of expanding the punishment of rapists.

40 BY repealing and reenacting, with amendments,  
50 Article – Criminal Law  
60 Section 3-303  
70 Annotated Code of Maryland (2003)

80 SECTION 1 BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the laws of the State of  
90 Maryland read as follows:

100 **§ 3-303. Rape in the first degree.**

110 (a) *Prohibited.*- A person may not:

120 (1) engage in vaginal intercourse with another by force, or the threat of force, without the consent of the  
130 other; and

140 (2) (i) employ or display a dangerous weapon, or a physical object that the victim reasonably  
150 believes is a dangerous weapon;

160 (ii) suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the  
170 course of committing the crime;

180 (iii) threaten, or place the victim in fear, that the victim, or an individual known to the victim,  
190 imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical  
200 injury, or kidnapping;

210 (iv) commit the crime while aided and abetted by another; or

220 (v) commit the crime in connection with a burglary in the first, second, or third degree.

230 (b) *Penalty.*-

240 (1) Except as provided in paragraph (2) OR PARAGRAPH (3) of this subsection, a person who violates  
250 this section is guilty of the felony of rape in the first degree and on conviction is subject to imprisonment  
260 not exceeding life, AND PERMANENT CHEMICAL CASTRATION.

270 (2) A person who violates this section is guilty of the felony of rape in the first degree and on conviction is  
280 subject to imprisonment not exceeding life without the possibility of parole AND PERMANENT  
290 CHEMICAL CASTRATION if:

300 (i) the person is convicted in the same proceeding of violating § 3-503(a) (2) of this title and the  
310 victim was a child under the age of 16 years OVER THE AGE OF 12 AND UNDER THE AGE  
320 OF 16; or

330 (ii) the defendant was previously convicted of violating this section or § 3-305 of this subtitle.

340 3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF RAPE IN THE  
350 FIRST DEGREE AND ON CONVICTION IS SUBJECT TO LIFE IMPRISONMENT WITHOUT THE  
360 POSSIBILITY OF PAROLE AND PERMANENT CHEMICAL CASTRATION IF:

370 (i) THE PERSON IS CONVICTED IN THE SAME PROCEEDING OF VIOLATING § 3-  
380 503(A) (2) OF THIS TITLE AND THE VICTIM WAS A CHILD UNDER THE AGE OF 13  
390 YEARS.

400 (c) *Required notice.* - If the State intends to seek a sentence of imprisonment for life without the possibility of  
410 parole under subsection (b)(2) of this section, the State shall notify the person in writing of the State's intention at  
420 least 30 days before trial.

430 (D) *REQUIRED NOTICE.* IF THE STATE INTENDS TO SEEK A SENTENCE OF CHEMICAL CASTRATION  
440 UNDER SUBSECTION (B)(1), (B)(2), OR (B)(3) OF THIS SECTION, THE STATE SHALL NOTIFY THE  
450 PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30 DAYS BEFORE THE TRIAL.

460 **SECTION 2.** AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2005

470 **MANDATES:** Martin O'Malley, Governor  
480 Michael Busch, Speaker of the House  
490 Thomas V. Mike Miller, President of the Senate  
500 Kumar Barve, House Majority Leader  
510 Anthony O'Donnell, House Minority Leader  
520 Edward Kasemeyer, Senate Majority Leader  
530 David Brinkley, Senate Minority Leader

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