

CHAPTER 402.

(Senate Bill 42)

AN ACT to repeal and re-enact, with amendments, Section 13 of Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments", sub-title "Assault With Intent to Murder, Ravish or Rob", as said section was amended by Chapter 722 of the Acts of 1941, providing that persons convicted of the crime of assault with intent to have carnal knowledge of a female under 14 years of age, or with intent to rob, murder or rape, shall be guilty of a felony.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 13 of Article 27 of the Annotated Code of Maryland (1939 Edition), title "Crimes and Punishments", sub-title "Assault With Intent to Murder, Ravish or Rob", as said section was amended by Chapter 722 of the Acts of 1941, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

13. Every person convicted of the crime of an assault with intent to have carnal knowledge of a female child under the age of 14 years, or with intent to rob or murder, shall be guilty of a felony and shall be sentenced to confinement in the Maryland Penitentiary for not less than two years or more than ten years; and every person convicted of the crime of an assault with intent to commit a rape shall be guilty of a felony and shall be punished with death, or, in the discretion of the Court, he shall be sentenced to confinement in the Penitentiary for the period of his natural life, or he shall be sentenced to confinement in the Penitentiary for not less than two years nor more than twenty years; provided, however, that the jury before whom any person indicted for the crime of an assault with intent to commit a rape shall be tried, if they find such person guilty thereof, may add to their verdict the words "without capital punishment", in which case the sentence of the court shall not exceed twenty years in the Penitentiary, and in no case where a jury shall have rendered a verdict in manner and form as hereinbefore prescribed, "without capital punishment", shall the court in imposing the sentence, sentence the convicted party to pay the death penalty or to be confined for more than twenty years in the Penitentiary. Nothing in this Section as hereby amended shall be construed or held to affect or control any violation of this Section occurring prior to June 1, 1943, or the prosecution thereof, but each such violation and prosecution thereof shall