

Robert L. Ehrlich, Jr.
Governor

House Bill No. 196

AN ACT concerning

**Sexual Offenses – Reputation and Opinion Evidence and Evidence of Prior
Sexual Conduct – Admissibility**

FOR the purpose of expanding the application to certain sexual offenses and applying to sexual crimes against both males and females, the sexual abuse of a minor, the sexual abuse of a vulnerable adult, and lesser included crimes a prohibition against admitting in a prosecution reputation and opinion evidence relating to a victim's chastity or abstinence; expanding the application to certain sexual offenses and applying to sexual crimes against both males and females, the sexual abuse of a minor, the sexual abuse of a vulnerable adult, and lesser included crimes an authorization for admitting in a prosecution under certain circumstances a specific instance of a victim's prior sexual conduct; making a technical change; and generally relating to admissibility of reputation and opinion evidence and evidence of certain prior sexual contact conduct.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–319

Annotated Code of Maryland

(2002 Volume)

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

Article – Criminal Law

3–319.

(a) Evidence relating to a victim's reputation for chastity OR ABSTINENCE and opinion evidence relating to a victim's chastity OR ABSTINENCE may not be admitted in a prosecution for [rape, a sexual offense in the first or second degree, attempted rape, or an attempted sexual offense in the first or second degree]:

(1) A CRIME SPECIFIED UNDER THIS SUBTITLE OR A LESSER INCLUDED CRIME; ~~OR~~

(2) THE SEXUAL ABUSE OF A MINOR UNDER ~~§ 3–601~~ § 3–602 OF THIS TITLE OR A LESSER INCLUDED CRIME; OR

(3) THE SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3–604 OR § 3–605 OF THIS TITLE OR A LESSER INCLUDED CRIME.

(b) Evidence of a specific instance of a victim's prior sexual conduct may be admitted in a prosecution [for rape, a sexual offense in the first or second degree,