
By: **Delegates Dumais, Barkley, Barve, Bronrott, Brown, Cryor, Dwyer, Feldman, Goldwater, Gutierrez, Heller, Kaiser, Kelley, Kelly, Lawton, Lee, Madaleno, Mandel, Mayer, McComas, Montgomery, Murray, Petzold, Quinter, Rosenberg, Simmons, Sophocleus, Stern, F. Turner, Vallario, and Zirkin**

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Assigned to: Judiciary

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CHAPTER _____

1 AN ACT concerning

2 **Correctional and Juvenile Facilities - Contact with Inmates and Juveniles -**
 3 **Penalties**

4 FOR the purpose of prohibiting correctional employees and certain correctional staff
 5 members from engaging in certain intimate contact with certain inmates;
 6 prohibiting certain staff members, employees, and licensees of the Department
 7 of Juvenile Services from engaging in certain intimate contact with an
 8 individual confined in a certain juvenile facility; providing certain penalties for
 9 a violation of this Act; defining certain terms; and generally relating to
 10 prohibitions against certain contact with inmates and confined juveniles.

11 BY repealing and reenacting, with amendments,
 12 Article - Criminal Law
 13 Section 3-314
 14 Annotated Code of Maryland
 15 (2002 Volume and 2005 Supplement)

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

1 **Article - Criminal Law**

2 3-314.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) (i) "Correctional employee" means a:

5 1. correctional officer, as defined in § 8-201 of the
6 Correctional Services Article; or7 2. managing official or deputy managing official of a
8 correctional facility.9 (ii) "Correctional employee" includes a sheriff, warden, or other
10 official who is appointed or employed to supervise a correctional facility.

11 (3) (i) "Inmate" has the meaning stated in § 1-101 of this article.

12 (ii) "Inmate" includes an individual confined in a community adult
13 rehabilitation center.14 (4) "JUVENILE CONFINEMENT FACILITY" MEANS A CHILD CARE
15 INSTITUTION LICENSED BY THE DEPARTMENT, A DETENTION CENTER FOR
16 JUVENILES, OR A FACILITY FOR JUVENILES LISTED IN ARTICLE 83C, § 2-117(A)(2) OF
17 THE CODE.

18 (5) "STAFF MEMBER" MEANS:

19 (I) AN EMPLOYEE OF A CORRECTIONAL FACILITY OR JUVENILE
20 CONFINEMENT FACILITY;21 (II) AN INDIVIDUAL WHO, ON BEHALF OF A SERVICE AGENCY,
22 VISITS A CORRECTIONAL FACILITY OR JUVENILE CONFINEMENT FACILITY TO WORK
23 WITH OR ENGAGE INMATES IN OFFICIAL TASKS;24 (III) A VOLUNTEER PARTICIPATING IN A PROGRAM SPONSORED BY A
25 CORRECTIONAL FACILITY OR JUVENILE CONFINEMENT FACILITY; AND26 (IV) A VENDOR OR CONTRACT EMPLOYEE WHO HAS ACCESS TO
27 INMATES AT A CORRECTIONAL FACILITY OR JUVENILE CONFINEMENT FACILITY.28 (b) A correctional employee OR STAFF MEMBER may not engage in KISSING,
29 FONDLING, vaginal intercourse, or a sexual act with an inmate.30 (c) An employee or licensee of the Department of Juvenile Services OR STAFF
31 MEMBER may not engage in KISSING, FONDLING, vaginal intercourse, or a sexual act
32 with an individual confined in a [child care institution licensed by the Department, a
33 detention center for juveniles, or a facility for juveniles listed in Article 83C, §
34 2-117(a)(2) of the Code] JUVENILE CONFINEMENT FACILITY.

1 (d) A person who violates this section is guilty of a misdemeanor and on
2 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
3 \$3,000 or both.

4 (e) A sentence imposed for violation of this section may be separate from and
5 consecutive to or concurrent with a sentence for another crime under §§ 3-303
6 through 3-312 of this subtitle.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2006.