

HOUSE BILL 249

E4
HB 456/06 – JUD

71r0723

By: **Delegates Dumais, Ali, Barkley, Barve, Bronrott, Elmore, Feldman, Gilchrist, Gutierrez, Heller, Hixson, Hucker, Kaiser, Kelly, N. King, Kramer, Lawton, Lee, Levi, Manno, Mizeur, Montgomery, Rice, Rosenberg, Simmons, Smigiel, Sophocleus, Taylor, F. Turner, Valderrama, and Waldstreicher**

Introduced and read first time: January 29, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional and Juvenile Facilities – Contact with Inmates and**
3 **Juveniles – 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 2006 Supplement)

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

18 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-314.

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

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

4 1. correctional officer, as defined in § 8-201 of the
5 Correctional Services Article; or

6 2. managing official or deputy managing official of a
7 correctional facility.

8 (ii) "Correctional employee" includes a sheriff, warden, or other
9 official who is appointed or employed to supervise a correctional facility.

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

11 (ii) "Inmate" includes an individual confined in a community
12 adult rehabilitation center.

13 (4) **"JUVENILE CONFINEMENT FACILITY" MEANS A CHILD CARE**
14 **INSTITUTION LICENSED BY THE DEPARTMENT OF JUVENILE SERVICES, A**
15 **DETENTION CENTER FOR JUVENILES, OR A FACILITY FOR JUVENILES LISTED IN**
16 **ARTICLE 83C, § 2-117(A)(2) OF THE CODE.**

17 (5) **"STAFF MEMBER" MEANS:**

18 (I) **AN EMPLOYEE OF A CORRECTIONAL FACILITY OR**
19 **JUVENILE CONFINEMENT FACILITY;**

20 (II) **AN INDIVIDUAL WHO, ON BEHALF OF A SERVICE**
21 **AGENCY, VISITS A CORRECTIONAL FACILITY OR JUVENILE CONFINEMENT**
22 **FACILITY TO WORK WITH OR ENGAGE INMATES IN OFFICIAL TASKS;**

23 (III) **A VOLUNTEER PARTICIPATING IN A PROGRAM**
24 **SPONSORED BY A CORRECTIONAL FACILITY OR JUVENILE CONFINEMENT**
25 **FACILITY; OR**

1 **(IV) A VENDOR OR CONTRACT EMPLOYEE WHO HAS ACCESS**
2 **TO INMATES AT A CORRECTIONAL FACILITY OR JUVENILE CONFINEMENT**
3 **FACILITY.**

4 (b) A correctional employee **OR STAFF MEMBER** may not engage in
5 **FONDLING**, vaginal intercourse, or a sexual act with an inmate.

6 (c) An employee or licensee of the Department of Juvenile Services **OR**
7 **STAFF MEMBER** may not engage in **FONDLING**, vaginal intercourse, or a sexual act
8 with an individual confined in a [child care institution licensed by the Department, a
9 detention center for juveniles, or a facility for juveniles listed in Article 83C, §
10 2–117(a)(2) of the Code] **JUVENILE CONFINEMENT FACILITY.**

11 (d) A person who violates this section is guilty of a misdemeanor and on
12 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
13 \$3,000 or both.

14 (e) A sentence imposed for violation of this section may be separate from and
15 consecutive to or concurrent with a sentence for another crime under §§ 3–303 through
16 3–312 of this subtitle.

17 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
18 **October 1, 2007.**