

HOUSE BILL 724

E1

(11r1217)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates A. Miller, Dumais, Glenn, Kaiser, Lee, Luedtke, McDermott, Summers, Valderrama, Valentino-Smith, and Wilson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Sexual Offense in the Fourth Degree – Statute of Limitations – Increase**

3 FOR the purpose of altering the period of time within which a prosecution for ~~any~~ a
4 certain sexual offense in the fourth degree must be instituted after the offense
5 was committed, if the victim was a minor at the time of the offense; and
6 generally relating to the statute of limitations for prosecuting a sexual offense
7 in the fourth degree.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 5–106(a)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Courts and Judicial Proceedings
 3 Section 5–106(z)
 4 Annotated Code of Maryland
 5 (2006 Replacement Volume and 2010 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Criminal Law
 8 Section 3–308
 9 Annotated Code of Maryland
 10 (2002 Volume and 2010 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 5–106.

15 (a) Except as provided by this section and § 1–303 of the Environment
 16 Article, a prosecution for a misdemeanor shall be instituted within 1 year after the
 17 offense was committed.

18 (z) A prosecution for a misdemeanor offense under ~~§ 3–308(c)~~ ~~§ 3–308~~ OR,
 19 IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, § 3–308(B)
 20 § 3–308(B)(1) of the Criminal Law Article shall be instituted within 3 years after the
 21 offense was committed.

22 **Article – Criminal Law**

23 3–308.

24 (a) In this section, “person in a position of authority”:

25 (1) means a person who:

26 (i) is at least 21 years old;

27 (ii) is employed as a full–time permanent employee by a public
 28 or private preschool, elementary school, or secondary school; and

29 (iii) because of the person’s position or occupation, exercises
 30 supervision over a minor who attends the school; and

31 (2) includes a principal, vice principal, teacher, or school counselor at
 32 a public or private preschool, elementary school, or secondary school.

1 (b) A person may not engage in:

2 (1) sexual contact with another without the consent of the other;

3 (2) except as provided in § 3–307(a)(4) of this subtitle, a sexual act
4 with another if the victim is 14 or 15 years old, and the person performing the sexual
5 act is at least 4 years older than the victim; or

6 (3) except as provided in § 3–307(a)(5) of this subtitle, vaginal
7 intercourse with another if the victim is 14 or 15 years old, and the person performing
8 the act is at least 4 years older than the victim.

9 (c) (1) Except as provided in § 3–307(a)(4) of this subtitle or subsection
10 (b)(2) of this section, a person in a position of authority may not engage in a sexual act
11 or sexual contact with a minor who, at the time of the sexual act or sexual contact, is a
12 student enrolled at a school where the person in a position of authority is employed.

13 (2) Except as provided in § 3–307(a)(5) of this subtitle or subsection
14 (b)(3) of this section, a person in a position of authority may not engage in vaginal
15 intercourse with a minor who, at the time of the vaginal intercourse, is a student
16 enrolled at a school where the person in a position of authority is employed.

17 (d) (1) Except as provided in paragraph (2) of this subsection, a person
18 who violates this section is guilty of the misdemeanor of sexual offense in the fourth
19 degree and on conviction is subject to imprisonment not exceeding 1 year or a fine not
20 exceeding \$1,000 or both.

21 (2) (i) On conviction of a violation of this section, a person who has
22 been convicted on a prior occasion not arising from the same incident of a violation of
23 §§ 3–303 through 3–312 or § 3–315 of this subtitle or § 3–602 of this title is subject to
24 imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

25 (ii) If the State intends to proceed against a person under
26 subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the
27 Maryland Rules for the indictment and trial of a subsequent offender.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.