

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 764
Judiciary

(Delegate Williams, *et al.*)

Judicial Proceedings

Criminal Law - Law Enforcement Officers - Prohibition on Sexual Activity

This bill expands the list of individuals a law enforcement officer is statutorily prohibited from engaging in sexual contact, vaginal intercourse, or a sexual act with to include (1) a victim, witness, or suspect in an investigation during the course of an investigation that the law enforcement officer is conducting, supervising, or assisting with and (2) a person requesting assistance from or responding to the law enforcement officer in the course of the law enforcement officer's official duties. These additional prohibitions do not apply if the officer had a prior existing legal sexual relationship with the individual, unless an interim, temporary, or final protective order between the parties is in effect at the time of the sexual contact, vaginal intercourse, or sexual act.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's expanded application of an existing penalty provision.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's expanded application of an existing penalty provision.

Small Business Effect: None.

Analysis

Current Law: Pursuant to Chapter 500 of 2018, a law enforcement officer may not engage in sexual contact, vaginal intercourse, or a sexual act with a person in the custody of the law enforcement officer. Violators are guilty of a misdemeanor, punishable by

imprisonment for up to three years and/or a \$3,000 maximum fine. A similar prohibition and the same penalty applies to correctional officers/correctional employees and inmates. Title 3, Subtitle 3 of the Criminal Law Article contains additional statutory provisions pertaining to several sexual crimes, ranging from rape in the first degree to sexual offense in the fourth degree.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore, Charles, Frederick, and Montgomery counties; cities of Frederick and Havre de Grace; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2020
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