

HOUSE BILL 1350

E1

5lr3218

By: **Delegates Arikan, Embry, Grammer, Kaufman, Nkongolo, Pasteur, Taylor, Tomlinson, and Valentine**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2025

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Fourth Degree Sexual Offense – Out-of-State Convictions**

3 FOR the purpose of providing that a specified conviction from another state or a federal,
4 military, or Native American tribal court may serve as a predicate crime for a
5 specified enhanced penalty for certain repeat sex offenders; and generally relating to
6 fourth degree sexual offenses.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 3–308
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2024 Supplement)

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

14 **Article – Criminal Law**

15 3–308.

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

17 (2) (i) “Person in a position of authority” means a person who:

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.



1 1. A. is at least 21 years old and works for remuneration
2 or as a volunteer for a public or private preschool, elementary school, or secondary school;
3 or

4 B. is at least 22 years old and works for remuneration or as a
5 volunteer for a program; and

6 2. exercises supervision over or works or interacts with one
7 or more minors who attend the school or participate in the program.

8 (ii) “Person in a position of authority” includes a principal, vice
9 principal, teacher, coach, or school counselor at a public or private preschool, elementary
10 school, or secondary school.

11 (3) “Program” means:

12 (i) an individual, a business, a religious or faith-based institution,
13 or an organization that provides, on a for-profit or nonprofit basis, instructional, coaching,
14 recreational, spiritual, character-building, or supervisory services or activities for minors,
15 including:

16 1. sports, music, dance, art, or martial arts coaching or
17 instruction;

18 2. tutoring or academic enrichment;

19 3. day care or after school care;

20 4. scouting; or

21 5. day or overnight camping; or

22 (ii) any unit of local, State, or federal government.

23 (b) A person may not engage in:

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

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

28 (3) except as provided in § 3-307(a)(5) of this subtitle, vaginal intercourse
29 with another if the victim is 14 or 15 years old, and the person performing the act is at least
30 4 years older than the victim.

1 (c) (1) Except as provided in § 3–307(a)(4) of this subtitle or subsection (b)(2)
2 of this section, a person in a position of authority may not engage in a sexual act or sexual
3 contact with a minor who, at the time of the sexual act or sexual contact:

4 (i) is a student enrolled at a school where the person in a position of
5 authority works; or

6 (ii) 1. is participating in a program for which the person in a
7 position of authority works; and

8 2. is at least 6 years younger than the person in a position of
9 authority.

10 (2) Except as provided in § 3–307(a)(5) of this subtitle or subsection (b)(3)
11 of this section, a person in a position of authority may not engage in vaginal intercourse
12 with a minor who, at the time of the vaginal intercourse:

13 (i) is a student enrolled at a school where the person in a position of
14 authority works; or

15 (ii) 1. is participating in a program for which the person in a
16 position of authority works; and

17 2. is at least 6 years younger than the person in a position of
18 authority.

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

23 (2) (i) On conviction of a violation of this section, a person [who] **IS**
24 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING**
25 **\$1,000 OR BOTH IF THE PERSON** has been convicted on a prior occasion not arising from
26 the same incident:

27 1. of a violation of § 3–303, § 3–304, §§ 3–307 through 3–310
28 of this subtitle, § 3–311 or § 3–312 of this subtitle as the sections existed before October 1,
29 2017, § 3–315 of this subtitle, or § 3–602 of this title [is subject to imprisonment not
30 exceeding 3 years or a fine not exceeding \$1,000 or both]; **OR**

31 2. **IN ANOTHER STATE OR IN A FEDERAL, MILITARY, OR**
32 **NATIVE AMERICAN TRIBAL COURT OF A CRIME THAT, IF COMMITTED IN THIS STATE,**
33 **WOULD CONSTITUTE A VIOLATION OF § 3–303, § 3–304, §§ 3–307 THROUGH 3–310 OF**
34 **THIS SUBTITLE, § 3–311 OR § 3–312 OF THIS SUBTITLE AS THE SECTIONS EXISTED**
35 **BEFORE OCTOBER 1, 2017, § 3–315 OF THIS SUBTITLE, OR § 3–602 OF THIS TITLE.**

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

4 (e) (1) Unless specifically charged by the State, a violation of this section may
5 not be considered a lesser included crime of any other crime.

6 (2) A sentence imposed under this section may be imposed separate from
7 and consecutive to or concurrent with a sentence for any crime based on the act establishing
8 the violation of this section.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.