

SENATE BILL 81

E1, F5

(PRE-FILED)

6lr1369
CF 6lr1371

By: **Senator Folden**

Requested: October 28, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – School Resource Officers – Prohibition on Sexual Activity with**
3 **Students**

4 FOR the purpose of prohibiting a law enforcement officer from engaging in certain sexual
5 acts, sexual contact, or vaginal intercourse with a student enrolled in a school where
6 the law enforcement officer is assigned as a school resource officer; and generally
7 relating to school resource officers and prohibited activities with students.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 3–314(a)(1) and (5), (f), and (g)
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 3–314(e)
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Education
20 Section 7–1501(a) and (j)
21 Annotated Code of Maryland
22 (2025 Replacement Volume and 2025 Supplement)

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

25 **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 (5) “Law enforcement officer” has the meaning stated in § 1–101 of the
4 Public Safety Article.

5 (e) (1) Except as provided in paragraph (2) of this subsection, a law
6 enforcement officer may not engage in sexual contact, vaginal intercourse, or a sexual act
7 with a person:

8 (i) who is a victim, witness, or suspect in an open investigation that
9 the law enforcement officer is conducting, supervising, or assisting with if the law
10 enforcement officer knew or should have known that the person is a victim, witness, or
11 suspect in the investigation;

12 (ii) requesting assistance from or responding to the law enforcement
13 officer in the course of the law enforcement officer’s official duties; [or]

14 (iii) in the custody of the law enforcement officer; **OR**

15 **(IV) WHO IS A STUDENT ENROLLED IN A SCHOOL WHERE THE**
16 **LAW ENFORCEMENT OFFICER IS ASSIGNED AS A SCHOOL RESOURCE OFFICER, AS**
17 **DEFINED IN § 7–1501 OF THE EDUCATION ARTICLE.**

18 (2) Paragraph (1)(i) and (ii) of this subsection does not apply if the law
19 enforcement officer:

20 (i) had a prior existing legal sexual relationship with the person;
21 and

22 (ii) did not act under the color or pretense of office or under color of
23 official right when seeking consent to the vaginal intercourse, sexual act, or sexual contact.

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

26 (g) A sentence imposed for a violation of this section may be separate from and
27 consecutive to or concurrent with a sentence for another crime under § 3–303, § 3–304, or
28 §§ 3–307 through 3–310 of this subtitle, or § 3–305, § 3–306, § 3–311, or § 3–312 of this
29 subtitle as the sections existed before October 1, 2017.

30 **Article – Education**

31 7–1501.

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

2 (j) “School resource officer” means:

3 (1) A law enforcement officer as defined under § 1–101(c) of the Public
4 Safety Article who has been assigned to a school in accordance with a memorandum of
5 understanding between the chief of a law enforcement agency as defined under § 3–201(d)
6 of the Public Safety Article and the local education agency; or

7 (2) A Baltimore City school police officer, as defined in § 4–318 of this
8 article.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2026.