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BILL NUMBER: SB 81 School Resource Officers – Prohibition on Sexual Activity with Students

POSITION: Favorable

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 171 and urges this Committee to issue a favorable report.

Under current Maryland Criminal Law §3-308(a)(2)(ii), it is a crime for certain persons in positions of authority—such as teachers, coaches, and custodians—to engage in sexual activity with students under their supervision. Likewise Maryland Criminal Law §3-314 makes it a crime for a law enforcement officer to engage in sexual contact, intercourse, or a sexual act with anyone they are investigating, assisting, or detaining, or with anyone seeking their official help (including students at their assigned school), unless the relationship existed beforehand and was entirely unrelated to the officer's official duties.

However, school resource officers (SROs) are not included in these statutes. This omission has allowed cases in which law enforcement officers, assigned to schools to protect students, have instead used their authority, access, and trust to pursue sexual relationships with minors. The lack of statutory clarity makes it difficult to prosecute or discipline these abuses of power and sends a damaging message that some authority figures in schools are exempt from the same accountability as others.

The proposed amendment simply adds school resource officers to the list of positions covered under § 3-314, ensuring that SROs are legally prohibited from engaging in sexual acts with students at their assigned schools. This closes an existing gap, strengthens protections for minors, and reinforces the expectation that all adults in authority within schools are bound by the same ethical and legal standards.

MSAA urges this Committee to issue a favorable report.