



FREDERICK COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE

Jessica Fitzwater
County Executive

HB 329 – Criminal Law - School Resource Officers - Prohibition on Sexual Activity with Students

DATE: February 24, 2026
COMMITTEE: House Judiciary Committee
POSITION: Favorable
FROM: The Office of Frederick County Executive Jessica Fitzwater

As the County Executive of Frederick County, I urge the committee to give **HB 329 – Criminal Law - School Resource Officers - Prohibition on Sexual Activity with Students** a favorable report.

Current state law prohibits a school resource officer from having sexual contact with a student who is under the age of 18. Law enforcement officers are prohibited from having sexual contact with victims, witnesses, suspects, individuals in custody, and individuals requesting assistance from the law enforcement officer, as outlined in MD Code, Criminal Law, § 3-314. However, this current law has an unintended loophole that allows a school resource officer (SROs) to have sexual contact with a student if that student is above the age of 18. Across the country, in the State of Maryland, and in Frederick County, there have been cases of SROs avoiding prosecution because of this loophole in the law.

Under current Maryland Criminal Law §3-307(a)(4), 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.

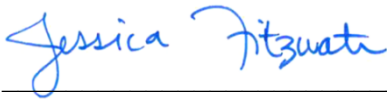
However, school resource officers are not included in these statutes. This omission has allowed cases in which law enforcement officers, assigned to schools to protect students as school resource officers, have instead used their authority, access, and trust to pursue sexual relationships with students. The lack of statutory clarity makes it difficult to prosecute or discipline these abuses of power.

HB 329 will close the current loophole and ensure SROs are prohibited from having sexual contact with any student attending the school in which they are assigned, regardless of age. By closing this loophole, the State will ensure that all students have access to a safe learning environment in Maryland schools. Maryland law recognizes the unique vulnerability of victims, witnesses, suspects, individuals in custody, and individuals requesting assistance from the law enforcement officer and extends protections in MD Code, Criminal Law, § 3-314. These

protections should be extended to students at schools and institutions where an officer is serving as an SRO.

As a mother and an educator, I am deeply committed to ensuring the safety and well-being of Maryland's students. This legislation is crucial to ensuring all students are able to thrive in a healthy environment when they enter any Maryland school.

Thank you for your consideration of HB 329. I urge you to advance this bill with a favorable report.



Jessica Fitzwater, County Executive
Frederick County, MD