

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1359
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Custodial Employees and Persons in Custody” and substitute “Correctional Employees and Inmates”; strike beginning with “sexual” in line 3 down through “facility” in line 6 and substitute “crime for a correctional employee to engage in certain sexual activity with inmates”; in lines 8 and 9, strike “that are based on a use of force or lack of consent”; in line 9, after “and” insert “generally”; in line 10, strike “governmental custodial” and substitute “correctional”; and in line 13, strike “464B-1” and substitute “464G”.

AMENDMENT NO. 2

On page 1, in line 19, strike “464B-1.” and substitute “464G.”.

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 14 on page 2, inclusive, and substitute:

“(2) “CORRECTIONAL EMPLOYEE” MEANS:

(I) A CORRECTIONAL OFFICER, AS DEFINED IN ARTICLE 41, § 4-301 OF THE CODE; OR

(II) A HEAD OR DEPUTY HEAD OF A CORRECTIONAL FACILITY, INCLUDING A SHERIFF, WARDEN, SUPERINTENDENT, OR ANY PERSON HAVING AN EQUIVALENT TITLE WHO IS APPOINTED OR EMPLOYED TO SUPERVISE A CORRECTIONAL FACILITY.

(3) “INMATE” MEANS A PERSON WHO IS INCARCERATED IN A STATE OR LOCAL CORRECTIONAL FACILITY OR A COMMUNITY ADULT REHABILITATION CENTER.

(Over)

(B) A CORRECTIONAL EMPLOYEE MAY NOT ENGAGE IN VAGINAL INTERCOURSE OR A SEXUAL ACT WITH AN INMATE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.”.

On page 2, in line 15, strike “(C)” and substitute “(D)”; and strike beginning with “THAT” in line 17 down through “CONSENT” in line 18.