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27 AND SOCIAL WORKER: AND

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1998 Regular Session 8lr2613

By: Delegate Hecht Introduced and read first time: February 13, 1998 Assigned to: Judiciary A BILL ENTITLED 1 AN ACT concerning 2 **Crimes - Sexual Misconduct - State and Local Correctional Facilities** 3 FOR the purpose of making it a misdemeanor for certain governmental employees to engage in vaginal intercourse, a sexual act, or sexual contact with a person 4 5 confined in a correctional facility or a home detention program; establishing a 6 penalty; defining certain terms; and generally relating to sexual misconduct by governmental custodial employees. 7 8 BY adding to Article 27 - Crimes and Punishments 10 Section 464G 11 Annotated Code of Maryland (1996 Replacement Volume and 1997 Supplement) 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 13 14 MARYLAND, That the Laws of Maryland read as follows: 15 **Article 27 - Crimes and Punishments** 16 464G. 17 IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS (A) (1) 18 INDICATED. 19 "CUSTODIAL EMPLOYEE" MEANS AN EMPLOYEE OF A UNIT OF (2)(I) 20 THE STATE OR A COUNTY THAT BY LAW OR COURT ORDER IS RESPONSIBLE FOR 21 INMATES IN A CORRECTIONAL FACILITY OR HOME DETENTION PROGRAM. 22 (II)"CUSTODIAL EMPLOYEE" INCLUDES: THE EMPLOYEE OF AN AGENT OR CONTRACTOR OF A UNIT 23 1. 24 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH;

26 OFFICER, CORRECTIONAL SUPERVISOR, CASE MANAGER, HEALTH CARE PROVIDER,

A CORRECTIONAL ADMINISTRATOR, CORRECTIONAL

- 1 3. ADMINISTRATIVE AND SUPPORT STAFF.
- 2 (3) (I) "INMATE" MEANS AN INDIVIDUAL IN PRETRIAL OR SENTENCED 3 STATUS WHO IS IN THE CUSTODY OF A STATE OR LOCAL CORRECTIONAL FACILITY.
- 4 (II) "INMATE" INCLUDES AN INDIVIDUAL CONFINED IN A
- 5 COMMUNITY ADULT REHABILITATION CENTER OR PLACED IN HOME DETENTION.
- 6 (B) A PERSON IS GUILTY OF SEXUAL MISCONDUCT IF THE PERSON IS A
- 7 CUSTODIAL EMPLOYEE AND ENGAGES IN VAGINAL INTERCOURSE, A SEXUAL ACT, OR
- 8 SEXUAL CONTACT WITH AN INMATE.
- 9 (C) A PERSON VIOLATING THE PROVISIONS OF THIS SECTION IS GUILTY OF A
- 10 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR A PERIOD
- 11 OF NOT MORE THAN 3 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.
- 12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 13 effect October 1, 1998.