

SENATE BILL 315

Unofficial Copy  
E1

2000 Regular Session  
0lr0250

---

By: **Senator Green**

Introduced and read first time: February 1, 2000

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sexual Acts Between Employers or Supervisors and Minor**  
3 **Employees**

4 FOR the purpose of prohibiting certain sexual acts and forms of sexual contact  
5 between certain employers or supervisors and an employee who is a minor;  
6 providing for an exception to the prohibition of certain sexual acts and forms of  
7 sexual contact between an employer or supervisor and employee who is a minor  
8 where the employer or supervisor is the legal spouse of the minor employee;  
9 establishing certain penalties for an employer or supervisor who engages in  
10 certain sexual acts and forms of sexual contact with an employee who is a minor;  
11 defining a certain term; and generally relating to prohibiting certain sexual acts  
12 and forms of sexual contact between an employer or supervisor and an employee  
13 who is a minor.

14 BY repealing and reenacting, with amendments,  
15 Article 27 - Crimes and Punishments  
16 Section 464D  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1999 Supplement)

19 BY adding to  
20 Article 27 - Crimes and Punishments  
21 Section 464H  
22 Annotated Code of Maryland  
23 (1996 Replacement Volume and 1999 Supplement)

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

1

**Article 27 - Crimes and Punishments**

2 464D.

3 (a) Except as provided in subsections (b), (c), and (d) of this section, a person  
4 may not be prosecuted under §§ 462, 463, 464B, [and] 464C, AND 464H of this  
5 subheading if the victim is the person's legal spouse at the time of the commission of  
6 the alleged rape or sexual offense.

7 (b) A person may be prosecuted under §§ 462(a), 463(a)(1), and 464B(a)(1)(i)  
8 and (ii) of this subheading for an offense against the person's legal spouse if the  
9 person and the person's legal spouse have lived separate and apart without  
10 cohabitation and without interruption:

11 (1) Pursuant to a written separation agreement executed by both the  
12 person and the person's legal spouse; or

13 (2) For at least 3 months immediately before the commission of the  
14 alleged rape or sexual offense.

15 (c) (1) A person may be prosecuted for an offense, described in paragraph (2)  
16 of this subsection, against the person's legal spouse if the person uses force against  
17 the will and without the consent of the person's legal spouse.

18 (2) This subsection applies to the following offenses under this  
19 subheading:

20 (i) § 462(a);

21 (ii) § 463(a)(1); and

22 (iii) § 464B(a)(1)(i) and (ii).

23 (d) A person may be prosecuted for an offense under §§ 462, 463, 464B, [and]  
24 464C, AND 464H of this subheading against the person's legal spouse if the parties are  
25 living separate and apart without cohabitation and without interruption pursuant to  
26 a decree of limited divorce.

27 464H.

28 (A) IN THIS SECTION, "MINOR" MEANS ANY INDIVIDUAL WHO IS UNDER THE  
29 AGE OF 18.

30 (B) EXCEPT AS PROVIDED IN § 464D OF THIS ARTICLE, AN EMPLOYER OR  
31 PERSON WHO REGULARLY EXERCISES SUPERVISORY AUTHORITY OVER AN  
32 EMPLOYEE MAY NOT ENGAGE IN A SEXUAL ACT, SEXUAL CONTACT, OR VAGINAL  
33 INTERCOURSE WITH THAT EMPLOYEE IF:

34 (1) THE EMPLOYEE IS A MINOR; AND

1           (2)     THE EMPLOYER OR PERSON WHO REGULARLY EXERCISES  
2 SUPERVISORY AUTHORITY OVER THE EMPLOYEE IS AT LEAST 4 YEARS OLDER THAN  
3 THE EMPLOYEE.

4     (C)     A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF  
5 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000  
6 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

7     (D)     A SENTENCE IMPOSED FOR VIOLATION OF THIS SECTION MAY BE  
8 SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR  
9 ANY OTHER OFFENSE UNDER THIS SUBHEADING.

10    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2000.