

SENATE BILL 315

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2000 Regular Session
0lr0250

By: ~~Senator Green~~ **Senators Green and Forehand**
Introduced and read first time: February 1, 2000
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 21, 2000

CHAPTER _____

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)

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

3 **Article 27 - Crimes and Punishments**

4 464D.

5 (a) Except as provided in subsections (b), (c), and (d) of this section, a person
6 may not be prosecuted under:

7 (1) §§ 462, 463, 464B, ~~and~~ 464C, ~~AND 464H~~ of this subheading if the
8 victim is the person's legal spouse at the time of the commission of the alleged rape or
9 sexual offense; OR

10 (2) § 464H OF THIS SUBHEADING IF THE VICTIM IS THE PERSON'S LEGAL
11 SPOUSE AT THE TIME OF THE COMMISSION OF THE ALLEGED SEXUAL ACT, SEXUAL
12 CONTACT, OR VAGINAL INTERCOURSE.

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

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

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

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

24 (2) This subsection applies to the following offenses under this
25 subheading:

26 (i) § 462(a);

27 (ii) § 463(a)(1); and

28 (iii) § 464B(a)(1)(i) and (ii).

29 (d) A person may be prosecuted for an offense under §§ 462, 463, 464B, [and]
30 464C, AND 464H of this subheading against the person's legal spouse if the parties are
31 living separate and apart without cohabitation and without interruption pursuant to
32 a decree of limited divorce.

1 464H.

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

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

8 (1) THE EMPLOYEE IS A MINOR; AND

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

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

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

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