

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 516

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Child Abuse - Sexual Abuse by an Educator” and substitute “Fourth Degree Sexual Offense - Educator and Student”; strike beginning with “altering” in line 3 down through “educator” in line 7 and substitute “prohibiting certain educators from engaging in a sexual act or vaginal intercourse with a certain person under a certain age under certain circumstances; defining a certain term; and generally relating to a sexual offense involving an educator and a person under a certain age under certain circumstances”; and in line 10, strike “35C” and substitute “464C”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 27 on page 2, inclusive, and substitute:

“464C.”

(a) IN THIS SECTION, “EDUCATOR” MEANS A PRINCIPAL, VICE PRINCIPAL, TEACHER, OR SCHOOL COUNSELOR AT A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL.

(B) A person is guilty of a sexual offense in the fourth degree if the person [engages]:

(1) [In] ENGAGES IN sexual contact with another person against the will and without the consent of the other person; [or]

(2) Except as provided in § 464B(a)(4) of this subheading, ENGAGES in a sexual act with another person who is 14 or 15 years of age and the person performing the sexual act is four or more years older than the other person; [or]

(Over)

(3) Except as provided in § 464B(a)(5) of this subheading, ENGAGES in vaginal intercourse with another person who is 14 or 15 years of age and the person performing the act is four or more years older than the other person;

(4) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION OR § 464B(A)(4) OF THIS SUBHEADING, IS AN EDUCATOR WHO ENGAGES IN A SEXUAL ACT WITH ANOTHER PERSON WHO:

(I) IS UNDER 18 YEARS OF AGE; AND

(II) AT THE TIME OF THE SEXUAL ACT, IS A STUDENT ENROLLED AT THE SCHOOL THAT EMPLOYS THE EDUCATOR; OR

(5) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION OR § 464B(A)(5) OF THIS SUBHEADING, IS AN EDUCATOR WHO ENGAGES IN VAGINAL INTERCOURSE WITH ANOTHER PERSON WHO:

(I) IS UNDER 18 YEARS OF AGE; AND

(II) AT THE TIME OF THE VAGINAL INTERCOURSE, IS A STUDENT ENROLLED AT THE SCHOOL THAT EMPLOYS THE EDUCATOR.

[(b)] (C) Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to imprisonment for a period of not more than one year, or a fine of not more than \$1,000, or both fine and imprisonment.”.