
By: **Senators Ferguson, Harris, Hogan, Hooper, Jacobs, and Mooney**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Child Abuse - Sexual Abuse by an Educator**

3 FOR the purpose of altering a certain definition of "sexual abuse" to include sexual
4 molestation or exploitation of a child by an educator; establishing that an
5 educator who causes certain abuse to a child is guilty of a felony and, on
6 conviction, is subject to certain penalties; defining a certain term; and generally
7 relating to child sexual abuse by an educator.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 35C
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2000 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 35C.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Abuse" means:

19 (i) The sustaining of physical injury by a child as a result of cruel
20 or inhumane treatment or as a result of a malicious act by any parent or other person
21 who has permanent or temporary care or custody or responsibility for supervision of a
22 child, or by any household or family member, under circumstances that indicate that
23 the child's health or welfare is harmed or threatened thereby; or

24 (ii) Sexual abuse of a child, whether physical injuries are sustained
25 or not.

26 (3) "Child" means any individual under the age of 18 years.

1 (4) "EDUCATOR" MEANS ANY PRINCIPAL, VICE PRINCIPAL, TEACHER, OR
2 SCHOOL COUNSELOR AT A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL,
3 OR SECONDARY SCHOOL.

4 (5) "Family member" means a relative of a child by blood, adoption, or
5 marriage.

6 [(5)] (6) "Household member" means a person who lives with or is a regular
7 presence in a home of a child at the time of the alleged abuse.

8 [(6)] (7) (i) "Sexual abuse" means any act that involves sexual molestation
9 or exploitation of a child by a parent or other person who has permanent or temporary
10 care or custody or responsibility for supervision of a child, [or] by any household or
11 family member, OR BY AN EDUCATOR OF A CHILD, WHETHER THE ABUSE OCCURS
12 DURING THE COURSE OF THE EDUCATOR'S ACADEMIC DUTIES OR OUTSIDE OF
13 THOSE DUTIES.

14 (ii) "Sexual abuse" includes, but is not limited to:

- 15 1. Incest, rape, or sexual offense in any degree;
- 16 2. Sodomy; and
- 17 3. Unnatural or perverted sexual practices.

18 (b) (1) A parent or other person who has permanent or temporary care or
19 custody or responsibility for the supervision of a child, [or] a household or family
20 member OF A CHILD, OR AN EDUCATOR OF A CHILD who causes abuse to the child is
21 guilty of a felony and on conviction is subject to imprisonment in the penitentiary for
22 not more than 15 years.

23 (2) If the violation results in the death of the victim, the person is guilty
24 of a felony and upon conviction is subject to imprisonment for not more than 30 years.

25 (3) The sentence imposed under this section may be imposed separate
26 from and consecutive to or concurrent with a sentence for any offense based upon the
27 act or acts establishing the abuse.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2001.