

SENATE BILL 211

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SB 516/01 - JPR

2002 Regular Session
2lr0744

By: **Senators Ferguson, Bromwell, Colburn, Collins, Harris, Hooper,
Jimeno, Mitchell, Mooney, Schrader, Sfikas, and Stone**

Introduced and read first time: January 18, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Fourth Degree Sexual Offense - Educator and Student**

3 FOR the purpose of prohibiting certain educators from engaging in a sexual act or
4 vaginal intercourse with certain persons under a certain age under certain
5 circumstances; defining a certain term; and generally relating to a sexual
6 offense involving an educator and a person under a certain age under certain
7 circumstances.

8 BY repealing and reenacting, without amendments,
9 Article - Criminal Law
10 Section 3-307
11 Annotated Code of Maryland
12 (As enacted by Chapter _____(H.B. 11) of the Acts of the General Assembly of
13 2002)

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Law
16 Section 3-308
17 Annotated Code of Maryland
18 (As enacted by Chapter _____(H.B.11) of the Acts of the General Assembly of
19 2002)

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

22 **Article - Criminal Law**

23 3-307.

24 (a) A person may not:

25 (1) (i) engage in sexual contact with another without the consent of
26 the other; and

1 (ii) 1. employ or display a dangerous weapon, or a physical object
2 that the victim reasonably believes is a dangerous weapon;

3 2. suffocate, strangle, disfigure, or inflict serious physical
4 injury on the victim or another in the course of committing the crime;

5 3. threaten, or place the victim in fear, that the victim, or an
6 individual known to the victim, imminently will be subject to death, suffocation,
7 strangulation, disfigurement, serious physical injury, or kidnapping; or

8 4. commit the crime while aided and abetted by another;

9 (2) engage in sexual contact with another if the victim is a mentally
10 defective individual, a mentally incapacitated individual, or a physically helpless
11 individual, and the person performing the act knows or reasonably should know the
12 victim is a mentally defective individual, a mentally incapacitated individual, or a
13 physically helpless individual;

14 (3) engage in sexual contact with another if the victim is under the age of
15 14 years, and the person performing the sexual contact is at least 4 years older than
16 the victim;

17 (4) engage in a sexual act with another if the victim is 14 or 15 years old,
18 and the person performing the sexual act is at least 21 years old; or

19 (5) engage in vaginal intercourse with another if the victim is 14 or 15
20 years old, and the person performing the act is at least 21 years old.

21 (b) A person who violates this section is guilty of the felony of sexual offense in
22 the third degree and on conviction is subject to imprisonment not exceeding 10 years.

23 3-308.

24 (a) IN THIS SECTION, "EDUCATOR" MEANS A PRINCIPAL, VICE PRINCIPAL,
25 TEACHER, OR SCHOOL COUNSELOR AT A PUBLIC OR PRIVATE PRESCHOOL,
26 ELEMENTARY SCHOOL, OR SECONDARY SCHOOL.

27 (B) A person may not engage in:

28 (1) sexual contact with another without the consent of the other;

29 (2) except as provided in § 3-307(a)(4) of this subtitle, a sexual act with
30 another if the victim is 14 or 15 years old, and the person performing the sexual act is
31 at least 4 years older than the victim; or

32 (3) except as provided in § 3-307(a)(5) of this subtitle, vaginal
33 intercourse with another if the victim is 14 or 15 years old, and the person performing
34 the act is at least 4 years older than the victim.

35 (C) (1) EXCEPT AS PROVIDED IN § 3-307 (A)(4) OF THIS SUBTITLE OR
36 SUBSECTION (B)(2) OF THIS SECTION, AN EDUCATOR MAY NOT ENGAGE IN A SEXUAL

1 ACT WITH A MINOR WHO, AT THE TIME OF THE SEXUAL ACT, IS A STUDENT
2 ENROLLED AT A SCHOOL THAT EMPLOYS THE EDUCATOR.

3 (2) EXCEPT AS PROVIDED IN § 3-307 (A)(5) OF THIS SUBTITLE OR
4 SUBSECTION (B)(3) OF THIS SECTION, AN EDUCATOR MAY NOT ENGAGE IN VAGINAL
5 INTERCOURSE WITH A MINOR WHO, AT THE TIME OF THE VAGINAL INTERCOURSE, IS
6 A STUDENT ENROLLED AT A SCHOOL THAT EMPLOYS THE EDUCATOR.

7 [(b)] (D) A person who violates this section is guilty of the misdemeanor of
8 sexual offense in the fourth degree and on conviction is subject to imprisonment not
9 exceeding 1 year or a fine not exceeding \$1,000 or both.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2002.