

SENATE BILL 211

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SB 516/01 - JPR

2002 Regular Session  
2lr0744

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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

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: February 27, 2002

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CHAPTER \_\_\_\_\_

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:

1 **Article - Criminal Law**

2 3-307.

3 (a) A person may not:

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

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

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

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

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

14 (2) engage in sexual contact with another if the victim is a mentally  
15 defective individual, a mentally incapacitated individual, or a physically helpless  
16 individual, and the person performing the act knows or reasonably should know the  
17 victim is a mentally defective individual, a mentally incapacitated individual, or a  
18 physically helpless individual;

19 (3) engage in sexual contact with another if the victim is under the age of  
20 14 years, and the person performing the sexual contact is at least 4 years older than  
21 the victim;

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

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

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

28 3-308.

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

32 (B) A person may not engage in:

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

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

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

7       (C)       (1)       EXCEPT AS PROVIDED IN § 3-307 (A)(4) OF THIS SUBTITLE OR  
8 SUBSECTION (B)(2) OF THIS SECTION, AN EDUCATOR MAY NOT ENGAGE IN A SEXUAL  
9 ACT WITH A MINOR WHO, AT THE TIME OF THE SEXUAL ACT, IS A STUDENT  
10 ENROLLED AT A SCHOOL THAT EMPLOYS THE EDUCATOR.

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

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

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