
By: **Charles County Delegation**
Introduced and read first time: February 28, 2003
Assigned to: Rules and Executive Nominations

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 (2002 Volume)

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Law
15 Section 3-308
16 Annotated Code of Maryland
17 (2002 Volume)

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

20 **Article - Criminal Law**

21 3-307.

22 (a) A person may not:

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

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

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

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

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

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

12 (3) engage in sexual contact with another if the victim is under the age of
13 14 years, and the person performing the sexual contact is at least 4 years older than
14 the victim;

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

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

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

21 3-308.

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

25 (B) A person may not engage in:

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

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

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

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect October 1, 2003.