

HOUSE BILL 44

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SB 349/03 - JPR

2004 Regular Session
4r0857

(PRE-FILED)

By: **Delegate Miller**
Requested: November 4, 2003
Introduced and read first time: January 14, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sexual Offense in the Fourth Degree - Causing a Person to Ingest**
3 **Bodily Fluid**

4 FOR the purpose of expanding the crime of sexual offense in the fourth degree to
5 include prohibiting a person from intentionally causing another to ingest bodily
6 fluid without consent or by force or threat of force; defining a certain term; and
7 generally relating to certain sexual offenses.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Law
10 Section 3-308
11 Annotated Code of Maryland
12 (2002 Volume and 2003 Supplement)

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

15 **Article - Criminal Law**

16 3-308.

17 (A) IN THIS SECTION, "BODILY FLUID" MEANS SEMINAL FLUID, BLOOD, URINE,
18 OR FECES.

19 [(a)] (B) A person may not [engage in]:

20 (1) [sexual] ENGAGE IN SEXUAL contact with another without the
21 consent of the other;

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

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

4 (4) INTENTIONALLY CAUSE ANOTHER TO INGEST BODILY FLUID:

5 (I) WITHOUT CONSENT; OR

6 (II) BY FORCE OR THREAT OF FORCE.

7 [(b)] (C) 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
11 effect October 1, 2004.