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By: Delegates Hennessy, Amedori, Aumann, Boutin, Cluster, DeBoy, Dwyer, Eckardt, Edwards, Frank, Impallaria, Jameson, Krebs, McComas, Mitchell, Myers, O'Donnell, Petzold, Sossi, Stull, and Weldon

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

26

A BILL ENTITLED

1	AN ACT concerning		
2	Crimes - Fourth Degree Sexual Offense - Person in Position of Authority and Student		
4 5 6 7 8 9	FOR the purpose of prohibiting a person in a position of authority from engaging in a sexual act, sexual contact, or vaginal intercourse with a certain person under a certain age under certain circumstances; defining a certain term; providing for a certain statute of limitations for the prosecution of certain misdemeanors created by this Act; and generally relating to a sexual offense involving a person in a position of authority and a person under a certain age under certain circumstances.		
11 12 13 14	Section 5-106(z)		
16 18 19 20	Section 3-307		
21 22 23 24 25			

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

27 MARYLAND, That the Laws of Maryland read as follows:

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34

33 3-308.

(a)

HOUSE BILL 302 1 **Article - Courts and Judicial Proceedings** 2 5-106. 3 A PROSECUTION FOR A MISDEMEANOR OFFENSE UNDER § 3-308(C) OF THE (Z)4 CRIMINAL LAW ARTICLE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE 5 OFFENSE WAS COMMITTED. **Article - Criminal Law** 6 7 3-307. 8 (a) A person may not: 9 (1) (i) engage in sexual contact with another without the consent of 10 the other; and 11 (ii) 1. employ or display a dangerous weapon, or a physical object 12 that the victim reasonably believes is a dangerous weapon; 13 suffocate, strangle, disfigure, or inflict serious physical 14 injury on the victim or another in the course of committing the crime; 15 3. threaten, or place the victim in fear, that the victim, or an 16 individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or 18 4. commit the crime while aided and abetted by another; 19 engage in sexual contact with another if the victim is a mentally (2)20 defective individual, a mentally incapacitated individual, or a physically helpless 21 individual, and the person performing the act knows or reasonably should know the 22 victim is a mentally defective individual, a mentally incapacitated individual, or a 23 physically helpless individual; 24 engage in sexual contact with another if the victim is under the age of 25 14 years, and the person performing the sexual contact is at least 4 years older than 26 the victim; 27 (4) engage in a sexual act with another if the victim is 14 or 15 years old, 28 and the person performing the sexual act is at least 21 years old; or 29 engage in vaginal intercourse with another if the victim is 14 or 15

A person who violates this section is guilty of the felony of sexual offense in

IN THIS SECTION, "PERSON IN A POSITION OF AUTHORITY":

30 years old, and the person performing the act is at least 21 years old.

32 the third degree and on conviction is subject to imprisonment not exceeding 10 years.

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33 effect October 1, 2004.

HOUSE BILL 302

OR

1	(1)	MEANS A PERSON WHO:
2 3	PRIVATE PRESCI	(I) IS EMPLOYED BY OR WORKS AS A VOLUNTEER AT A PUBLIC HOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; AND
	EXERCISES SUPE SCHOOL; AND	(II) BECAUSE OF THE PERSON'S POSITION OR OCCUPATION, ERVISION OR INFLUENCE OVER A MINOR WHO ATTENDS THE
	(2) COUNSELOR AT . SECONDARY SCH	INCLUDES A PRINCIPAL, VICE PRINCIPAL, TEACHER, OR SCHOOL A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR HOOL.
10	(B) A pers	son may not engage in:
11	(1)	sexual contact with another without the consent of the other;
		except as provided in § 3-307(a)(4) of this subtitle, a sexual act with m is 14 or 15 years old, and the person performing the sexual act is er than the victim; or
		except as provided in § 3-307(a)(5) of this subtitle, vaginal other if the victim is 14 or 15 years old, and the person performing years older than the victim.
20 21 22	NOT ENGAGE IN TIME OF THE SE	EXCEPT AS PROVIDED IN § 3-307(A)(4) OF THIS SUBTITLE OR (2) OF THIS SECTION, A PERSON IN A POSITION OF AUTHORITY MAY A SEXUAL ACT OR SEXUAL CONTACT WITH A MINOR WHO, AT THE XUAL ACT OR SEXUAL CONTACT, IS A STUDENT ENROLLED AT A THE PERSON IN A POSITION OF AUTHORITY IS EMPLOYED OR DLUNTEER.
26 27	NOT ENGAGE IN VAGINAL INTER	EXCEPT AS PROVIDED IN § 3-307(A)(5) OF THIS SUBTITLE OR (3) OF THIS SECTION, A PERSON IN A POSITION OF AUTHORITY MAY VAGINAL INTERCOURSE WITH A MINOR WHO, AT THE TIME OF THE COURSE, IS A STUDENT ENROLLED AT A SCHOOL WHERE THE SITION OF AUTHORITY IS EMPLOYED OR WORKS AS A VOLUNTEER.
		A person who violates this section is guilty of the misdemeanor of the fourth degree and on conviction is subject to imprisonment not a fine not exceeding \$1,000 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take