
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

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Fourth Degree Sexual Offense - Person in Position of Authority**
3 **and Student**

4 FOR the purpose of prohibiting a person in a position of authority from engaging in a
5 sexual act, sexual contact, or vaginal intercourse with a certain person under a
6 certain age under certain circumstances; defining a certain term; providing for a
7 certain statute of limitations for the prosecution of certain misdemeanors
8 created by this Act; and generally relating to a sexual offense involving a person
9 in a position of authority and a person under a certain age under certain
10 circumstances.

11 BY adding to
12 Article - Courts and Judicial Proceedings
13 Section 5-106(z)
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2003 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Criminal Law
18 Section 3-307
19 Annotated Code of Maryland
20 (2002 Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Criminal Law
23 Section 3-308
24 Annotated Code of Maryland
25 (2002 Volume and 2003 Supplement)

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

1 (1) MEANS A PERSON WHO:

2 (I) IS EMPLOYED BY OR WORKS AS A VOLUNTEER AT A PUBLIC OR
3 PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; AND

4 (II) BECAUSE OF THE PERSON'S POSITION OR OCCUPATION,
5 EXERCISES SUPERVISION OR INFLUENCE OVER A MINOR WHO ATTENDS THE
6 SCHOOL; AND

7 (2) INCLUDES A PRINCIPAL, VICE PRINCIPAL, TEACHER, OR SCHOOL
8 COUNSELOR AT A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR
9 SECONDARY SCHOOL.

10 (B) A person may not engage in:

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

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

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

18 (C) (1) EXCEPT AS PROVIDED IN § 3-307(A)(4) OF THIS SUBTITLE OR
19 SUBSECTION (B)(2) OF THIS SECTION, A PERSON IN A POSITION OF AUTHORITY MAY
20 NOT ENGAGE IN A SEXUAL ACT OR SEXUAL CONTACT WITH A MINOR WHO, AT THE
21 TIME OF THE SEXUAL ACT OR SEXUAL CONTACT, IS A STUDENT ENROLLED AT A
22 SCHOOL WHERE THE PERSON IN A POSITION OF AUTHORITY IS EMPLOYED OR
23 WORKS AS A VOLUNTEER.

24 (2) EXCEPT AS PROVIDED IN § 3-307(A)(5) OF THIS SUBTITLE OR
25 SUBSECTION (B)(3) OF THIS SECTION, A PERSON IN A POSITION OF AUTHORITY MAY
26 NOT ENGAGE IN VAGINAL INTERCOURSE WITH A MINOR WHO, AT THE TIME OF THE
27 VAGINAL INTERCOURSE, IS A STUDENT ENROLLED AT A SCHOOL WHERE THE
28 PERSON IN A POSITION OF AUTHORITY IS EMPLOYED OR WORKS AS A VOLUNTEER.

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2004.