
By: **Delegates Petzold, Cryor, Dumais, Goldwater, Hennessy, Jones,
Krysiak, Love, Madaleno, Mandel, Menes, Montgomery, and Murray**
Introduced and read first time: February 13, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Sexual Abuse of a Minor - Person in Position of Authority**

3 FOR the purpose of prohibiting a person in a position of authority from causing
4 sexual abuse to a minor; defining a certain term; and generally relating to
5 sexual abuse of a minor.

6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 3-602
9 Annotated Code of Maryland
10 (2002 Volume and 2003 Supplement)

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

13 **Article - Criminal Law**

14 3-602.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) "Family member" has the meaning stated in § 3-601 of this subtitle.

17 (3) "Household member" has the meaning stated in § 3-601 of this
18 subtitle.

19 (4) "PERSON IN A POSITION OF AUTHORITY":

20 (I) MEANS A PERSON AT LEAST 21 YEARS OF AGE AND WHO,
21 BECAUSE OF POSITION OR OCCUPATIONAL STATUS, EXERCISES SUPERVISION OR
22 INFLUENCE OVER A MINOR, EXCEPT WHERE THE MINOR IS EMPLOYED FOR PAY IN A
23 LICENSED BUSINESS; AND

24 (II) INCLUDES A PAID OR UNPAID WORKER AT AN EDUCATIONAL
25 INSTITUTION THAT A MINOR ATTENDS OR ATTENDED.

1 [4] (5) (i) "Sexual abuse" means an act that involves sexual
2 molestation or exploitation of a minor, whether physical injuries are sustained or not.

3 (ii) "Sexual abuse" includes:

- 4 1. incest;
- 5 2. rape;
- 6 3. sexual offense in any degree;
- 7 4. sodomy; and
- 8 5. unnatural or perverted sexual practices.

9 (b) (1) A parent or other person who has permanent or temporary care or
10 custody or responsibility for the supervision of a minor may not cause sexual abuse to
11 the minor.

12 (2) A household member or family member may not cause sexual abuse
13 to a minor.

14 (3) A PERSON IN A POSITION OF AUTHORITY MAY NOT CAUSE SEXUAL
15 ABUSE TO A MINOR.

16 (c) A person who violates this section is guilty of a felony and on conviction is
17 subject to imprisonment not exceeding 25 years.

18 (d) A sentence imposed under this section may be separate from and
19 consecutive to or concurrent with a sentence for:

20 (1) any crime based on the act establishing the violation of this section;
21 or

22 (2) a violation of § 3-601 of this subtitle involving an act of abuse
23 separate from sexual abuse under this section.

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