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By: **Charles County Delegation**

Introduced and read first time: February 8, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Sexual Act - Definition**

3 FOR the purpose of altering the definition of a sexual act to include an act in which  
4 an object penetrates, however slightly, into another individual's genital, anal, or  
5 other intimate area; and generally relating to the definition of a sexual act.

6 BY repealing and reenacting, without amendments,  
7 Article - Criminal Law  
8 Section 3-301(a) and (f)  
9 Annotated Code of Maryland  
10 (2002 Volume and 2004 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article - Criminal Law  
13 Section 3-301(e)  
14 Annotated Code of Maryland  
15 (2002 Volume and 2004 Supplement)

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

18 **Article - Criminal Law**

19 3-301.

20 (a) In this subtitle the following words have the meanings indicated.

21 (e) (1) "Sexual act" means any of the following acts, regardless of whether  
22 semen is emitted:

23 (i) analingus;

24 (ii) cunnilingus;

25 (iii) fellatio;

1 (iv) anal intercourse, including penetration, however slight, of the  
2 anus; or

3 (v) an act:

4 1. in which an object penetrates, however slightly, into  
5 another individual's [genital opening or anus] GENITAL, ANAL, OR OTHER INTIMATE  
6 AREA; and

7 2. that can reasonably be construed to be for sexual arousal  
8 or gratification, or for the abuse of either party.

9 (2) "Sexual act" does not include:

10 (i) vaginal intercourse; or

11 (ii) an act in which an object penetrates an individual's genital  
12 opening or anus for an accepted medical purpose.

13 (f) (1) "Sexual contact", as used in §§ 3-307 and 3-308 of this subtitle,  
14 means an intentional touching of the victim's or actor's genital, anal, or other  
15 intimate area for sexual arousal or gratification, or for the abuse of either party.

16 (2) "Sexual contact" includes an act:

17 (i) in which a part of an individual's body, except the penis, mouth,  
18 or tongue, penetrates, however slightly, into another individual's genital opening or  
19 anus; and

20 (ii) that can reasonably be construed to be for sexual arousal or  
21 gratification, or for the abuse of either party.

22 (3) "Sexual contact" does not include:

23 (i) a common expression of familial or friendly affection; or

24 (ii) an act for an accepted medical purpose.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2005.