
By: **Chairman, Judiciary Committee (By Request - Departmental - Public
Safety and Correctional Services)**

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Sexual Acts with Inmates in Correctional and Juvenile**
3 **Facilities - Penalties**

4 FOR the purpose of making it a felony for certain employees to engage in certain
5 sexual acts with inmates of certain correctional and juvenile facilities; making it
6 a misdemeanor for certain employees to engage in sexual contact with inmates
7 of certain correctional and juvenile facilities; defining certain terms; providing
8 for certain penalties; and generally relating to sexual acts between inmates and
9 employees of certain correctional and juvenile facilities.

10 BY repealing and reenacting, with amendments,

11 Article - Criminal Law

12 Section 3-314

13 Annotated Code of Maryland

14 (2002 Volume and 2004 Supplement)

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

17 **Article - Criminal Law**

18 3-314.

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

20 (2) (i) "Correctional employee" means a:

21 1. correctional officer, as defined in § 8-201 of the
22 Correctional Services Article; or

23 2. managing official or deputy managing official of a
24 correctional facility.

25 (ii) "Correctional employee" includes a sheriff, warden, or other
26 official who is appointed or employed to supervise a correctional facility.

1 (3) "CORRECTIONAL FACILITY" HAS THE MEANING STATED IN § 1-101 OF
2 THIS ARTICLE.

3 (4) (i) "Inmate" has the meaning stated in § 1-101 of this article.

4 (ii) "Inmate" includes an individual confined in a community adult
5 rehabilitation center.

6 (5) "SEXUAL CONTACT" HAS THE MEANING STATED IN § 3-301(F) OF THIS
7 ARTICLE.

8 (b) (1) THIS SUBSECTION APPLIES TO:

9 (I) [A] A correctional employee;

10 (II) ANY OTHER EMPLOYEE OF THE DEPARTMENT OF PUBLIC
11 SAFETY AND CORRECTIONAL SERVICES OR A CORRECTIONAL FACILITY;

12 (III) AN EMPLOYEE OF A CONTRACTOR PROVIDING GOODS OR
13 SERVICES TO THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
14 OR A CORRECTIONAL FACILITY; AND

15 (IV) ANY OTHER INDIVIDUAL WORKING IN A CORRECTIONAL
16 FACILITY.

17 (2) A PERSON DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION may
18 not engage in SEXUAL CONTACT, vaginal intercourse, or a sexual act with an inmate.

19 (c) An employee or licensee of the Department of Juvenile Services may not
20 engage in SEXUAL CONTACT, vaginal intercourse, or a sexual act with an individual
21 confined in a child care institution licensed by the Department, a detention center for
22 juveniles, or a facility for juveniles listed in Article 83C, § 2-117(a)(2) of the Code.

23 (d) A person who violates this section:

24 (1) BY ENGAGING IN SEXUAL CONTACT is guilty of a misdemeanor and
25 on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
26 \$3,000 or both; OR

27 (2) BY ENGAGING IN A SEXUAL ACT OR VAGINAL INTERCOURSE IS
28 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
29 EXCEEDING 10 YEARS.

30 (e) A sentence imposed for violation of this section may be separate from and
31 consecutive to or concurrent with a sentence for another crime under §§ 3-303
32 through 3-312 of this subtitle.

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