

---

By: **Delegate Petzold**

Introduced and read first time: February 11, 2005

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 under certain circumstances; providing for certain  
5 penalties; defining a certain term; and generally relating to sexual abuse of a  
6 minor.

7 BY repealing and reenacting, with amendments,  
8 Article - Criminal Law  
9 Section 3-602  
10 Annotated Code of Maryland  
11 (2002 Volume and 2004 Supplement)

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

14 **Article - Criminal Law**

15 3-602.

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

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

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

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

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

25 (II) INCLUDES AN EMPLOYEE AT AN EDUCATIONAL INSTITUTION  
26 THAT A MINOR ATTENDS.

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 AT ANY TIME, INCLUDING WHEN THE MINOR IS NOT IN THE  
16 PERSON'S CARE OR CUSTODY OR UNDER THE PERSON'S SUPERVISION.

17        (c)    (1)    A person who violates SUBSECTION (B)(1) OR (2) OF this section is  
18 guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years.

19            (2)    A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION IS  
20 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT IN  
21 THE PENITENTIARY NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR  
22 BOTH.

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

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

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

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