
By: **Delegates Haynes, Anderson, Bromwell, Burns, Cane, Doory, Gaines,
Goodwin, Hammen, Holmes, Kelley, Kirk, Kullen, Lee, Marriott,
Morhaim, Murray, Nathan-Pulliam, Paige, Parker, Patterson, Pugh,
Sophocleus, V. Turner, and Vaughn**

Introduced and read first time: February 1, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sexual Offense Against Minor Committed on School Grounds or in**
3 **a Recreation Area - Penalties**

4 FOR the purpose of making it a felony to commit certain sex-related offenses on
5 school grounds or in a recreation area against a minor who is under a certain
6 age; establishing certain penalties for committing certain sex-related offenses
7 on school grounds or in a recreation area against a minor who is under a certain
8 age; establishing that a sentence imposed for committing certain sex-related
9 offenses on school grounds or in a recreation area against a minor who is under
10 a certain age be served consecutively to other sentences and that a certain
11 minimum sentence cannot be suspended; providing that certain sentences do
12 not merge; defining certain terms; and generally relating to sex-related offenses
13 committed against minors.

14 BY adding to
15 Article - Criminal Law
16 Section 3-325
17 Annotated Code of Maryland
18 (2002 Volume and 2005 Supplement)

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

21 **Article - Criminal Law**

22 3-325.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "POLITICAL SUBDIVISION" MEANS:

- 1 (I) A COUNTY;
- 2 (II) A MUNICIPAL CORPORATION;
- 3 (III) A SPECIAL TAXING DISTRICT;
- 4 (IV) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
- 5 COMMISSION; OR
- 6 (V) THE WASHINGTON SUBURBAN SANITARY COMMISSION.

7 (3) "RECREATION AREA" INCLUDES PROPERTY THAT IS:

- 8 (I) OWNED OR OPERATED BY THE STATE OR A POLITICAL
- 9 SUBDIVISION OF THE STATE; AND
- 10 (II) MAINTAINED AS A FOREST, PARK, PUBLIC PARKLAND,
- 11 WILDLAND, OPEN AREA, OR RECREATION AREA.

12 (B) (1) A PERSON MAY NOT COMMIT OR ATTEMPT TO COMMIT A VIOLATION

13 OF § 3-303, § 3-304, § 3-305, § 3-306, OR § 3-307 OF THIS SUBTITLE OR § 3-602 OF THIS

14 TITLE AGAINST A MINOR UNDER THE AGE OF 15 YEARS:

- 15 (I) IN OR ON REAL PROPERTY OWNED BY OR LEASED TO AN
- 16 ELEMENTARY SCHOOL, SECONDARY SCHOOL, OR COUNTY BOARD AND USED FOR
- 17 ELEMENTARY OR SECONDARY EDUCATION; OR
- 18 (II) IN A RECREATION AREA.

19 (2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES WHETHER OR NOT:

- 20 (I) SCHOOL WAS IN SESSION AT THE TIME OF THE CRIME; OR
- 21 (II) THE REAL PROPERTY WAS BEING USED FOR PURPOSES OTHER
- 22 THAN SCHOOL PURPOSES AT THE TIME OF THE CRIME.

23 (C) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY

24 AND ON CONVICTION IS SUBJECT TO:

25 (I) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 20

26 YEARS OR A FINE NOT EXCEEDING \$20,000 OR BOTH; OR

27 (II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT LESS

28 THAN 5 YEARS AND NOT EXCEEDING 40 YEARS OR A FINE NOT EXCEEDING \$40,000 OR

29 BOTH.

30 (2) (I) THE COURT MAY NOT SUSPEND THE 5-YEAR MINIMUM

31 SENTENCE REQUIRED BY PARAGRAPH (1)(II) OF THIS SUBSECTION.

32 (II) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE

33 CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER PARAGRAPH

1 (1)(II) OF THIS SUBSECTION IS NOT ELIGIBLE FOR PAROLE DURING THIS PERIOD OF
2 THE 5-YEAR MINIMUM SENTENCE.

3 (3) A SENTENCE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION
4 SHALL BE CONSECUTIVE TO ANY OTHER SENTENCE IMPOSED.

5 (D) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS
6 SECTION MAY NOT MERGE WITH A CONVICTION UNDER § 3-303, § 3-304, § 3-305,
7 § 3-306, OR § 3-307 OF THIS SUBTITLE OR § 3-602 OF THIS TITLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2006.