

HOUSE BILL 1207

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71r0140

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

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting certain individuals from engaging in certain sexual
5 contact with inmates under the supervision of a correctional facility; expanding
6 the lists of individuals who are prohibited from engaging in vaginal intercourse
7 or certain sexual acts with an inmate; prohibiting an employee or licensee from
8 the Department of Juvenile Services from engaging in certain sexual contact
9 with certain individuals; altering a certain definition; and generally relating to
10 inmates and employees of correctional facilities.

11 BY repealing and reenacting, with amendments,
12 Article - Criminal Law
13 Section 3-301(f)(1) and 3-314
14 Annotated Code of Maryland
15 (2002 Volume and 2006 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - State Personnel and Pensions
18 Section 11-105
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Law**

2 3–301.

3 (f) (1) “Sexual contact”, as used in §§ 3–307 [and], 3–308, **AND 3–314** of
4 this subtitle, means an intentional touching of the victim’s or actor’s genital, anal, or
5 other intimate area for sexual arousal or gratification, or for the abuse of either party.

6 3–314.

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

8 (2) (i) “Correctional employee” means a:

9 1. correctional officer, as defined in § 8–201 of the
10 Correctional Services Article; or

11 2. managing official or deputy managing official of a
12 correctional facility.

13 (ii) “Correctional employee” includes a sheriff, warden, or other
14 official who is appointed or employed to supervise a correctional facility.

15 (3) (i) “Inmate” has the meaning stated in § 1–101 of this article.

16 (ii) “Inmate” includes an individual confined in a community
17 adult rehabilitation center.

18 (b) (1) **THIS SUBSECTION APPLIES TO:**

19 (I) [A] A correctional employee;

20 (II) **ANY OTHER EMPLOYEE OF THE DEPARTMENT OF**
21 **PUBLIC SAFETY AND CORRECTIONAL SERVICES OR A CORRECTIONAL**
22 **FACILITY;**

23 (III) **AN EMPLOYEE OF A CONTRACTOR PROVIDING GOODS**
24 **OR SERVICES TO THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
25 **SERVICES OR A CORRECTIONAL FACILITY; AND**

1 (IV) ANY OTHER INDIVIDUAL WORKING IN A CORRECTIONAL
2 FACILITY.

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

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

10 (d) A person who violates this section is guilty of a misdemeanor and on
11 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
12 \$3,000 or both.

13 (e) A sentence imposed for violation of this section may be separate from and
14 consecutive to or concurrent with a sentence for another crime under §§ 3–303 through
15 3–312 of this subtitle.

16 **Article – State Personnel and Pensions**

17 11–105.

18 The following actions are causes for automatic termination of employment:

19 (1) intentional conduct, without justification, that:

20 (i) seriously injures another person;

21 (ii) causes substantial damage to property; or

22 (iii) seriously threatens the safety of the workplace;

23 (2) theft of State property of a value greater than \$300;

24 (3) illegal sale, use, or possession of drugs on the job;

25 (4) conviction of a controlled dangerous substance offense by an
26 employee in a designated sensitive classification;

27 (5) conviction of a felony;

1 (6) accepting for personal use any fee, gift, or other valuable thing in
2 connection with or during the course of State employment if given to the employee by
3 any person with the hope or expectation of receiving a favor or better treatment than
4 that accorded to other persons;

5 (7) (i) violation of the Fair Election Practices Act; or

6 (ii) using, threatening, or attempting to use political influence
7 or the influence of any State employee or officer in securing promotion, transfer, leave
8 of absence, or increased pay; [and]

9 (8) wantonly careless conduct or unwarrantable excessive force in the
10 treatment or care of an individual who is a client, patient, prisoner, or any other
11 individual who is in the care or custody of this State; **AND**

12 **(9) VIOLATION OF § 3-314 OF THE CRIMINAL LAW ARTICLE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2007.