

# HOUSE BILL 1207

E2

71r0140

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By: ~~Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)~~ Delegates Dumais, Ali, Barkley, Barve, Bronrott, Elmore, Feldman, Gilchrist, Gutierrez, Heller, Hixson, Hucker, Kaiser, Kelly, N. King, Kramer, Lawton, Lee, Levi, Manno, Mizeur, Montgomery, Rice, Rosenberg, Simmons, Smigiel, Sophocleus, Taylor, F. Turner, Valderrama, and Waldstreicher

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 26, 2007

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Sexual ~~Acts~~ Contact with Inmates in Correctional and**  
3 **Juvenile 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~~ a person from engaging in certain sexual  
9 contact with ~~certain individuals~~ an individual confined in a certain juvenile  
10 facility; expanding the applicability of a prohibition against certain sexual acts  
11 with an individual confined in a certain juvenile facility; expanding the list of  
12 actions that are cause for automatic termination of employment from the State  
13 Personnel Management System to include violation of a certain prohibition  
14 against engaging in certain sexual acts with inmates in correctional and

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.





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

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

4 (I) [A] A correctional employee;

5 (II) **ANY OTHER EMPLOYEE OF THE DEPARTMENT OF**  
6 **PUBLIC SAFETY AND CORRECTIONAL SERVICES OR A CORRECTIONAL**  
7 **FACILITY;**

8 (III) **AN EMPLOYEE OF A CONTRACTOR PROVIDING GOODS**  
9 **OR SERVICES TO THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**  
10 **SERVICES OR A CORRECTIONAL FACILITY; AND**

11 (IV) **ANY OTHER INDIVIDUAL WORKING IN A CORRECTIONAL**  
12 **FACILITY, WHETHER ON A PAID OR VOLUNTEER BASIS.**

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

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

21 (d) A person who violates this section is guilty of a misdemeanor and on  
22 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
23 \$3,000 or both.

24 (e) A sentence imposed for violation of this section may be separate from and  
25 consecutive to or concurrent with a sentence for another crime under §§ 3-303 through  
26 3-312 of this subtitle.

27 **Article – State Personnel and Pensions**

28 11-105.

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

- 1           (1)   intentional conduct, without justification, that:
- 2                   (i)    seriously injures another person;
- 3                   (ii)   causes substantial damage to property; or
- 4                   (iii)  seriously threatens the safety of the workplace;
- 5           (2)   theft of State property of a value greater than \$300;
- 6           (3)   illegal sale, use, or possession of drugs on the job;
- 7           (4)   conviction of a controlled dangerous substance offense by an  
8 employee in a designated sensitive classification;
- 9           (5)   conviction of a felony;
- 10           (6)   accepting for personal use any fee, gift, or other valuable thing in  
11 connection with or during the course of State employment if given to the employee by  
12 any person with the hope or expectation of receiving a favor or better treatment than  
13 that accorded to other persons;
- 14           (7)   (i)    violation of the Fair Election Practices Act; or
- 15                   (ii)   using, threatening, or attempting to use political influence  
16 or the influence of any State employee or officer in securing promotion, transfer, leave  
17 of absence, or increased pay; [and]
- 18           (8)   wantonly careless conduct or unwarrantable excessive force in the  
19 treatment or care of an individual who is a client, patient, prisoner, or any other  
20 individual who is in the care or custody of this State; **AND**
- 21           **(9)   VIOLATION OF § 3-314 OF THE CRIMINAL LAW ARTICLE.**

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