

HOUSE BILL 1128

E1
HB 1310/10 – JUD

11r0732
CF SB 204

By: **Delegates Valderrama, Alston, Anderson, Arora, Braveboy, Clippinger, Cluster, Conaway, Dumais, Dwyer, Glenn, Gutierrez, Hough, A. Kelly, Lee, McComas, McDermott, A. Miller, Simmons, Smigiel, Valentino-Smith, Waldstreicher, and Wilson**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2011

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Sexual Crimes – Definitions**

3 FOR the purpose of altering the definition of “sexual act” to include an act in which a
4 part of an individual’s body is used to penetrate certain body parts of another
5 individual; altering the definition of “sexual contact”; and generally relating to
6 definitions relating to sexual crimes.

7 BY repealing and reenacting, without amendments,
8 Article – Criminal Law
9 Section 3–301(a)
10 Annotated Code of Maryland
11 (2002 Volume and 2010 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 3–301(e) and (f)
15 Annotated Code of Maryland
16 (2002 Volume and 2010 Supplement)

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

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 **Article – Criminal Law**

2 3–301.

3 (a) In this subtitle the following words have the meanings indicated.

4 (e) (1) “Sexual act” means any of the following acts, regardless of whether
5 semen is emitted:

6 (i) analingus;

7 (ii) cunnilingus;

8 (iii) fellatio;

9 (iv) anal intercourse, including penetration, however slight, of
10 the anus; or

11 (v) an act:

12 1. in which an object **OR PART OF AN INDIVIDUAL’S**
13 **BODY** penetrates, however slightly, into another individual’s genital opening or anus;
14 and15 2. that can reasonably be construed to be for sexual
16 arousal or gratification, or for the abuse of either party.

17 (2) “Sexual act” does not include:

18 (i) vaginal intercourse; or

19 (ii) an act in which an object **OR PART OF AN INDIVIDUAL’S**
20 **BODY** penetrates an individual’s genital opening or anus for an accepted medical
21 purpose.22 (f) (1) “Sexual contact”, as used in §§ 3–307, 3–308, and 3–314 of this
23 subtitle, means an intentional touching of the victim’s or actor’s genital, anal, or other
24 intimate area for sexual arousal or gratification, or for the abuse of either party.

25 (2) [“Sexual contact” includes an act:

26 (i) in which a part of an individual’s body, except the penis,
27 mouth, or tongue, penetrates, however slightly, into another individual’s genital
28 opening or anus; and29 (ii) that can reasonably be construed to be for sexual arousal or
30 gratification, or for the abuse of either party.

- 1 (3)] “Sexual contact” does not include:
- 2 (i) a common expression of familial or friendly affection; or
- 3 (ii) an act for an accepted medical purpose.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.