

SENATE BILL 196

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11r0806
CF HB 724

By: **Senators Garagiola, Astle, Colburn, Currie, DeGrange, Forehand,
Glassman, Jacobs, Kelley, Middleton, Montgomery, Peters, Pugh,
Ramirez, Stone, and Young**

Introduced and read first time: January 26, 2011

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2011

CHAPTER _____

1 AN ACT concerning

2 **Sexual Offense in the Fourth Degree – Statute of Limitations – Increase**

3 FOR the purpose of altering the period of time within which a prosecution for ~~any~~ a
4 certain sexual offense in the fourth degree must be instituted after the offense
5 was committed, if the victim was a minor at the time of the offense; and
6 generally relating to the statute of limitations for prosecuting a sexual offense
7 in the fourth degree.

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 5–106(a)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2010 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 5–106(z)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Criminal Law
20 Section 3–308

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 Annotated Code of Maryland
2 (2002 Volume and 2010 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 5–106.

7 (a) Except as provided by this section and § 1–303 of the Environment
8 Article, a prosecution for a misdemeanor shall be instituted within 1 year after the
9 offense was committed.

10 (z) A prosecution for a misdemeanor offense under ~~§ 3–308(c)~~ ~~§ 3–308~~ **OR,**
11 **IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, § 3–308(B)(1)** of the
12 Criminal Law Article shall be instituted within 3 years after the offense was
13 committed.

14 **Article – Criminal Law**

15 3–308.

16 (a) In this section, “person in a position of authority”:

17 (1) means a person who:

18 (i) is at least 21 years old;

19 (ii) is employed as a full–time permanent employee by a public
20 or private preschool, elementary school, or secondary school; and

21 (iii) because of the person’s position or occupation, exercises
22 supervision over a minor who attends the school; and

23 (2) includes a principal, vice principal, teacher, or school counselor at
24 a public or private preschool, elementary school, or secondary school.

25 (b) A person may not engage in:

26 (1) sexual contact with another without the consent of the other;

27 (2) except as provided in § 3–307(a)(4) of this subtitle, a sexual act
28 with another if the victim is 14 or 15 years old, and the person performing the sexual
29 act is at least 4 years older than the victim; or

1 (3) except as provided in § 3–307(a)(5) of this subtitle, vaginal
2 intercourse with another if the victim is 14 or 15 years old, and the person performing
3 the act is at least 4 years older than the victim.

4 (c) (1) Except as provided in § 3–307(a)(4) of this subtitle or subsection
5 (b)(2) of this section, a person in a position of authority may not engage in a sexual act
6 or sexual contact with a minor who, at the time of the sexual act or sexual contact, is a
7 student enrolled at a school where the person in a position of authority is employed.

8 (2) Except as provided in § 3–307(a)(5) of this subtitle or subsection
9 (b)(3) of this section, a person in a position of authority may not engage in vaginal
10 intercourse with a minor who, at the time of the vaginal intercourse, is a student
11 enrolled at a school where the person in a position of authority is employed.

12 (d) (1) Except as provided in paragraph (2) of this subsection, a person
13 who violates this section is guilty of the misdemeanor of sexual offense in the fourth
14 degree and on conviction is subject to imprisonment not exceeding 1 year or a fine not
15 exceeding \$1,000 or both.

16 (2) (i) On conviction of a violation of this section, a person who has
17 been convicted on a prior occasion not arising from the same incident of a violation of
18 §§ 3–303 through 3–312 or § 3–315 of this subtitle or § 3–602 of this title is subject to
19 imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

20 (ii) If the State intends to proceed against a person under
21 subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the
22 Maryland Rules for the indictment and trial of a subsequent offender.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.