

Chapter 196

(House Bill 1128)

AN ACT concerning

Criminal Law – Sexual Crimes – Definitions

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

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

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

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

Article – Criminal Law

3–301.

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

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

(i) analingus;

(ii) cunnilingus;

(iii) fellatio;

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

(v) an act:

1. in which an object **OR PART OF AN INDIVIDUAL'S BODY** penetrates, however slightly, into another individual's genital opening or anus; and

2. that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

(2) "Sexual act" does not include:

(i) vaginal intercourse; or

(ii) an act in which an object **OR PART OF AN INDIVIDUAL'S BODY** penetrates an individual's genital opening or anus for an accepted medical purpose.

(f) (1) "Sexual contact", as used in §§ 3-307, 3-308, and 3-314 of this subtitle, means an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

(2) ["Sexual contact" includes an act:

(i) in which a part of an individual's body, except the penis, mouth, or tongue, penetrates, however slightly, into another individual's genital opening or anus; and

(ii) that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

(3)] "Sexual contact" does not include:

(i) a common expression of familial or friendly affection; or

(ii) an act for an accepted medical purpose.

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

Approved by the Governor, May 10, 2011.