

SB0460/482510/2

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 460
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “the definition of” and substitute “a certain prohibition against a certain”; strike beginning with “for” in line 5 down through “against” in line 6 and substitute “from”; in line 6, after “engaging” insert “in certain conduct to prohibit a certain person in a position of authority from engaging”; in line 8, strike “certain”; in the same line, after “minor” insert “who is enrolled or participating in the institution, program, or activity at which the person in a position of authority works; defining a certain term; making a certain conforming change; providing a certain statute of limitations for a violation of this Act; providing penalties for a violation of this Act; providing that a violation of this Act may not be considered a lesser-included offense of another crime, with a certain exception; providing that a prosecution under this Act does not preclude a certain other prosecution;”; strike beginning with “to” in line 16 down through “school;” in line 17; and after line 23, insert:

“BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5-106(z)
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)”.

On page 2, after line 10, insert:

“BY adding to
Article – Criminal Law
Section 3-325
Annotated Code of Maryland”

(Over)

(2012 Replacement Volume and 2013 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 17, insert:

“Article – Courts and Judicial Proceedings

5–106.

(z) A prosecution for a misdemeanor offense under [§ 3–308(c)] § 3-325 or, if the victim was a minor at the time of the offense, § 3–308(b)(1) of the Criminal Law Article shall be instituted within 3 years after the offense was committed.”;

strike in their entirety lines 20 through 28, inclusive; and in line 29, strike “(b)” and substitute “**(A)**”.

On page 3, strike in their entirety lines 7 through 14, inclusive; and in line 15, strike “(d)” and substitute “**(B)**”.

On page 4, after line 28, insert:

“3-325.

(A) (1) IN THIS SECTION, “PERSON IN A POSITION OF AUTHORITY” MEANS A PERSON WHO:

(I) IS AT LEAST 21 YEARS OLD;

(II) WORKS AT:

1. A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; OR

2. A SPORTS OR RECREATIONAL FACILITY OR PROGRAM; AND

(III) EXERCISES SUPERVISION OVER ONE OR MORE MINORS ENROLLED OR PARTICIPATING IN THE INSTITUTION, PROGRAM, OR ACTIVITY.

(2) "PERSON IN A POSITION OF AUTHORITY" INCLUDES AN INDIVIDUAL WHO IS A VOLUNTEER WITH, UNDER CONTRACT WITH, OR A PAID EMPLOYEE OF A COUNTY BOARD OF EDUCATION OR AN INSTITUTION, A PROGRAM, OR AN ACTIVITY DESCRIBED IN PARAGRAPH (1)(II) OF THIS SUBSECTION.

(B) A PERSON IN A POSITION OF AUTHORITY MAY NOT ENGAGE IN SEXUAL CONTACT, A SEXUAL ACT, OR VAGINAL INTERCOURSE WITH A MINOR WHO IS ENROLLED OR PARTICIPATING IN THE INSTITUTION, PROGRAM, OR ACTIVITY AT WHICH THE PERSON IN A POSITION OF AUTHORITY WORKS.

(C) (1) UNLESS SPECIFICALLY CHARGED BY THE STATE, A VIOLATION OF THIS SECTION MAY NOT BE CONSIDERED A LESSER-INCLUDED OFFENSE OF ANOTHER CRIME.

(2) A PROSECUTION OF A VIOLATION OF THIS SECTION DOES NOT PRECLUDE A PROSECUTION UNDER § 3-602 OF THIS TITLE.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH."