

SENATE BILL 617

E1

5lr1621

By: Senators Norman, Eckardt, Montgomery, and Nathan-Pulliam

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

Criminal Law – Professional Counselors and Therapists – Misconduct (Lynette’s Law)

4 FOR the purpose of prohibiting a certain professional counselor or therapist from engaging
5 in a sexual act, sexual contact, or vaginal intercourse with a person who is receiving
6 counseling from the professional counselor or therapist or who has received
7 counseling from the professional counselor or therapist within a certain period of
8 time; prohibiting a certain professional counselor or therapist from knowingly, and
9 with intent to deceive, making a false statement concerning the person's criminal
10 record on an employment application; defining certain terms; and generally relating
11 to the conduct of professional counselors and therapists.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 3–307
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2014 Supplement)

17 BY adding to
18 Article – Criminal Law
19 Section 9–509
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2014 Supplement)

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

Article – Criminal Law

25 3-307.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) A person may not:

2 (1) (i) engage in sexual contact with another without the consent of the
3 other; and

4 (ii) 1. employ or display a dangerous weapon, or a physical object
5 that the victim reasonably believes is a dangerous weapon;

11 4. commit the crime while aided and abetted by another;

20 (4) engage in a sexual act with another if the victim is 14 or 15 years old,
21 and the person performing the sexual act is at least 21 years old; or

(5) engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.

24 (b) (1) IN THIS SUBSECTION, "PROFESSIONAL COUNSELOR OR
25 THERAPIST" MEANS A PERSON WHO IS LICENSED OR CERTIFIED TO PRACTICE:

30 (II) PSYCHOLOGY BY THE STATE BOARD OF EXAMINERS OF
31 PSYCHOLOGISTS UNDER TITLE 18 OF THE HEALTH OCCUPATIONS ARTICLE:

32 (III) BACHELOR SOCIAL WORK, GRADUATE SOCIAL WORK,
33 CERTIFIED SOCIAL WORK OR CERTIFIED SOCIAL WORK-CLINICAL BY THE STATE

1 BOARD OF SOCIAL WORK EXAMINERS UNDER TITLE 19 OF THE HEALTH
2 OCCUPATIONS ARTICLE;

3 (IV) AS A NURSE PSYCHOTHERAPIST BY THE STATE BOARD OF
4 NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE; OR

5 (V) AS A PHYSICIAN BY THE STATE BOARD OF PHYSICIANS
6 UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE AND SPECIALIZES IN
7 ADULT, ADOLESCENT, OR CHILD PSYCHIATRY.

8 (2) A PROFESSIONAL COUNSELOR OR THERAPIST MAY NOT ENGAGE
9 IN A SEXUAL ACT OR SEXUAL CONTACT WITH A PERSON WHO:

10 (I) AT THE TIME OF THE SEXUAL ACT OR SEXUAL CONTACT, IS A
11 PATIENT RECEIVING COUNSELING OR THERAPY FROM THE PROFESSIONAL
12 COUNSELOR OR THERAPIST; OR

13 (II) HAS RECEIVED COUNSELING OR THERAPY FROM THE
14 PROFESSIONAL COUNSELOR OR THERAPIST WITHIN THE 2 YEARS PRECEDING THE
15 SEXUAL ACT OR SEXUAL CONTACT.

16 (3) A PROFESSIONAL COUNSELOR OR THERAPIST MAY NOT ENGAGE
17 IN VAGINAL INTERCOURSE WITH A PERSON WHO:

18 (I) AT THE TIME OF THE VAGINAL INTERCOURSE, IS A PATIENT
19 RECEIVING COUNSELING OR THERAPY FROM THE PROFESSIONAL COUNSELOR OR
20 THERAPIST; OR

21 (II) RECEIVED COUNSELING OR THERAPY FROM THE
22 PROFESSIONAL COUNSELOR OR THERAPIST WITHIN THE 2 YEARS PRECEDING THE
23 VAGINAL INTERCOURSE.

24 (C) A person who violates this section is guilty of the felony of sexual offense in
25 the third degree and on conviction is subject to imprisonment not exceeding 10 years.

26 **9-509.**

27 (A) IN THIS SECTION, "PROFESSIONAL COUNSELOR OR THERAPIST" MEANS
28 A PERSON WHO IS LICENSED OR CERTIFIED TO PRACTICE MARRIAGE AND FAMILY
29 THERAPY, ALCOHOL AND DRUG COUNSELING, OR PROFESSIONAL COUNSELING BY
30 THE STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS UNDER
31 TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE.

1 **(B) A PROFESSIONAL COUNSELOR OR THERAPIST MAY NOT KNOWINGLY,**
2 **AND WITH INTENT TO DECEIVE, MAKE A FALSE STATEMENT CONCERNING THE**
3 **PERSON'S CRIMINAL RECORD ON AN EMPLOYMENT APPLICATION.**

4 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
5 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR**
6 **A FINE NOT EXCEEDING \$500 OR BOTH.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2015.