

# HOUSE BILL 751

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6lr1841

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By: **Delegates Sanchez, Atterbeary, D. Barnes, Dumais, Glass, McComas, Moon, Parrott, Rey, Smith, Sydnor, Valentino-Smith, and B. Wilson**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Sexual Offenses – Court-Ordered Services Provider**

3 FOR the purpose of prohibiting a certain court-ordered services provider from engaging in  
4 sexual contact, vaginal intercourse, or a sexual act with a certain individual at a  
5 certain time; applying certain penalties; defining a certain term; and generally  
6 relating to sexual offenses.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 3–314

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2015 Supplement)

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

14 **Article – Criminal Law**

15 3–314.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) “Correctional employee” means a:

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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                   1.     correctional officer, as defined in § 8–201 of the  
2 Correctional Services Article; or

3                   2.     managing official or deputy managing official of a  
4 correctional facility.

5                   (ii)   “Correctional employee” includes a sheriff, warden, or other  
6 official who is appointed or employed to supervise a correctional facility.

7                   **(3)   “COURT–ORDERED SERVICES PROVIDER” MEANS A PERSON WHO**  
8 **PROVIDES SERVICES TO AN INDIVIDUAL WHO HAS BEEN ORDERED BY THE COURT,**  
9 **THE DIVISION OF PAROLE AND PROBATION, OR THE DEPARTMENT OF JUVENILE**  
10 **SERVICES TO OBTAIN THOSE SERVICES.**

11                   ~~[(3)]~~ **(4)**     (i)     “Inmate” has the meaning stated in § 1–101 of this article.

12                   (ii)   “Inmate” includes an individual confined in a community adult  
13 rehabilitation center.

14                   (b)   (1)   This subsection applies to:

15                   (i)     a correctional employee;

16                   (ii)   any other employee of the Department of Public Safety and  
17 Correctional Services or a correctional facility;

18                   (iii)  an employee of a contractor providing goods or services to the  
19 Department of Public Safety and Correctional Services or a correctional facility; and

20                   (iv)   any other individual working in a correctional facility, whether  
21 on a paid or volunteer basis.

22                   (2)   A person described in paragraph (1) of this subsection may not engage  
23 in sexual contact, vaginal intercourse, or a sexual act with an inmate.

24                   (c)   A person may not engage in sexual contact, vaginal intercourse, or a sexual  
25 act with an individual confined in a child care institution licensed by the Department, a  
26 detention center for juveniles, or a facility for juveniles listed in § 9–226(b) of the Human  
27 Services Article.

28                   **(D)   A COURT–ORDERED SERVICES PROVIDER MAY NOT ENGAGE IN SEXUAL**  
29 **CONTACT, VAGINAL INTERCOURSE, OR A SEXUAL ACT WITH AN INDIVIDUAL**  
30 **ORDERED TO OBTAIN SERVICES WHILE THE ORDER IS IN EFFECT.**

1            **[(d)] (E)**     A person who violates this section is guilty of a misdemeanor and on  
2 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$3,000  
3 or both.

4            **[(e)] (F)**     A sentence imposed for violation of this section may be separate from  
5 and consecutive to or concurrent with a sentence for another crime under §§ 3–303 through  
6 3–312 of this subtitle.

7            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.