

## Chapter 629

**(House Bill 751)**

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,  
 Article – Criminal Law  
 Section 3–314  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

**Article – Criminal Law**

3–314.

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

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

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

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

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

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

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

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

(b) (1) This subsection applies to:

(i) a correctional employee;

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 19, 2016.**