A BILL ENTITLED

AN ACT concerning

Criminal Law – Sexual Offense in the Fourth Degree – Person in a Position of Authority Over a Minor

FOR the purpose of altering the definition of “person in a position of authority” to prohibit certain persons from engaging in sexual contact with a minor; and generally relating to persons in a position of authority and sexual offenses.

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 3–308(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 3–308(c)
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

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

Article – Criminal Law

3–308.

(a) In this section, “person in a position of authority”:

(1) means a person who:

(i) is at least 21 years old;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(ii) is employed by [or], under contract with, OR WORKS IN ANY OTHER CAPACITY IN a public or private preschool, elementary school, or secondary school; and

(iii) because of the person’s position or occupation, exercises supervision over a minor who attends the school; and

(2) includes a principal, vice principal, teacher, coach, [or] school counselor, OR A SCHOOL RESOURCE OFFICER, POLICE OFFICER, OR OTHER SECURITY OFFICER at a public or private preschool, elementary school, or secondary school.

(c) (1) Except as provided in § 3–307(a)(4) of this subtitle or subsection (b)(2) of this section, a person in a position of authority may not engage in a sexual act or sexual contact with a minor who, at the time of the sexual act or sexual contact, is a student enrolled at a school where the person in a position of authority is employed.

(2) Except as provided in § 3–307(a)(5) of this subtitle or subsection (b)(3) of this section, a person in a position of authority may not engage in vaginal intercourse with a minor who, at the time of the vaginal intercourse, is a student enrolled at a school where the person in a position of authority is employed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.