

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 303
Finance

(Senator Lam)

Public Health - Nonconsensual Condom Removal - Prohibition

This bill prohibits an individual from causing contact between (1) a sexual organ from which a condom has been removed and the “intimate part” of another who did not verbally consent to the removal of the condom or (2) an “intimate part” of the individual and the sexual organ of another from which the individual removed a condom without verbal consent. An individual who experiences such a violation may file a civil action against the violator, and a court may award compensatory damages, injunctive relief, reasonable attorney’s fees and litigation expenses, or any other appropriate relief. The remedies available under the bill are in addition to any other statutory, legal, or equitable remedies that may be available and are not intended to be prerequisite to or exclusive of any other remedies.

Fiscal Summary

State Effect: This bill is not anticipated to materially affect State finances or operations, including the workload of the Judiciary.

Local Effect: This bill is not anticipated to materially affect local finances or operations, including circuit court caseloads.

Small Business Effect: None.

Analysis

Bill Summary: “Intimate part” means the sexual organ, anus, groin, or buttocks of an individual, or the breast of a female.

Current Law: Title 3, Subtitle 3 of the Criminal Law Article contains statutory provisions pertaining to several sexual crimes, including rape in the first and second degrees, sexual offenses in the third and fourth degrees, and attempted rape. The offenses address a range of prohibited acts; none of the offenses specifically address removal of a condom. No provisions in statute specifically address civil actions regarding the removal of a condom.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2022
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