

HB0226/203420/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 226
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Ziegler**” and substitute “**Ziegler, Arikan, Bartlett, Embry, Kaufman, Munoz, Phillips, Taylor, and Williams**”; strike beginning with “for” in line 4 down through “minor” in line 6 and substitute “applicable to sexual offense in the fourth degree”; in line 7, strike “from”; in line 8, strike “certain”; in line 9, after “enrolled” insert “at a school”; strike beginning with “the” in line 9 down through “where” in line 10 and substitute “a certain program for which”; and strike beginning with “is” in line 10 down through “contract” in line 11 and substitute “works or was working at a certain time; prohibiting sexual offense in the fourth degree from being considered a greater inclusive crime of any other crime or a lesser inclusive crime, expect under certain circumstances”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 29 on page 2, inclusive, and substitute:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (1) “PERSON IN A POSITION OF AUTHORITY” MEANS A PERSON WHO:

1. IS AT LEAST 21 YEARS OLD;

2. WORKS FOR REMUNERATION OR AS A VOLUNTEER

FOR:

A. A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; OR

B. A PROGRAM; AND

3. EXERCISES SUPERVISION OVER OR WORKS OR INTERACTS WITH ONE OR MORE MINORS WHO ATTEND THE SCHOOL OR PARTICIPATE IN THE PROGRAM.

(II) “PERSON IN A POSITION OF AUTHORITY” INCLUDES A PRINCIPAL, VICE PRINCIPAL, TEACHER, COACH, OR SCHOOL COUNSELOR AT A PUBLIC OR PRIVATE PRESCHOOL, ELEMENTARY SCHOOL, OR SECONDARY SCHOOL.

(3) “PROGRAM” MEANS AN INDIVIDUAL, A BUSINESS, A RELIGIOUS OR FAITH-BASED INSTITUTION, OR AN ORGANIZATION THAT PROVIDES, ON A FOR-PROFIT OR NONPROFIT BASIS, INSTRUCTIONAL, COACHING, RECREATIONAL, SPIRITUAL, CHARACTER-BUILDING, OR SUPERVISORY SERVICES OR ACTIVITIES FOR MINORS, INCLUDING:

(I) SPORTS, MUSIC, DANCE, ART, OR MARTIAL ARTS COACHING OR INSTRUCTION;

(II) TUTORING OR ACADEMIC ENRICHMENT;

(III) DAY CARE OR AFTER SCHOOL CARE;

(IV) SCOUTING; OR

(V) DAY OR OVERNIGHT CAMPING.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 8 through 22, inclusive, and substitute:

“(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[.]:

(I) 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], OR IS PARTICIPATING IN A PROGRAM, FOR WHICH THE PERSON IN A POSITION OF AUTHORITY WORKS; OR

(II) WAS PREVIOUSLY ENROLLED AT A SCHOOL OR PARTICIPATING IN A PROGRAM AT THE SAME TIME THE PERSON IN A POSITION OF AUTHORITY WAS WORKING FOR THE SCHOOL OR PROGRAM.

(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[.]:

(I) at the time of the vaginal intercourse, is a student enrolled at a school [where the person in a position of authority is employed], OR IS PARTICIPATING IN A PROGRAM, FOR WHICH THE PERSON IN A POSITION OF AUTHORITY WORKS; OR

(Over)

(II) WAS PREVIOUSLY ENROLLED AT A SCHOOL OR PARTICIPATING IN A PROGRAM AT THE SAME TIME THE PERSON IN A POSITION OF AUTHORITY WAS WORKING FOR THE SCHOOL OR PROGRAM.”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 35 on page 3 through line 1 on page 4, inclusive, and substitute:

“(E) A VIOLATION OF THIS SECTION:

(1) MAY NOT BE CONSIDERED A GREATER INCLUSIVE CRIME OF ANY OTHER CRIME; AND

(2) UNLESS SPECIFICALLY CHARGED BY THE STATE, MAY NOT BE CONSIDERED A LESSER INCLUDED CRIME OF ANY OTHER CRIME.”.