

HOUSE BILL 1350

E1

5lr3218

By: **Delegates Arikan, Embry, Grammer, Kaufman, Nkongolo, Pasteur, Taylor, Tomlinson, and Valentine**

Introduced and read first time: February 7, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Fourth Degree Sexual Offense – Out-of-State Convictions**

3 FOR the purpose of providing that a specified conviction from another state or a federal,
4 military, or Native American tribal court may serve as a predicate crime for a
5 specified enhanced penalty for certain repeat sex offenders; and generally relating to
6 fourth degree sexual offenses.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Law

9 Section 3–308

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2024 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 3–308.

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

17 (2) (i) “Person in a position of authority” means a person who:

18 1. A. is at least 21 years old and works for remuneration
19 or as a volunteer for a public or private preschool, elementary school, or secondary school;
20 or

21 B. is at least 22 years old and works for remuneration or as a
22 volunteer for a program; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. exercises supervision over or works or interacts with one
2 or more minors who attend the school or participate in the program.

3 (ii) “Person in a position of authority” includes a principal, vice
4 principal, teacher, coach, or school counselor at a public or private preschool, elementary
5 school, or secondary school.

6 (3) “Program” means:

7 (i) an individual, a business, a religious or faith-based institution,
8 or an organization that provides, on a for-profit or nonprofit basis, instructional, coaching,
9 recreational, spiritual, character-building, or supervisory services or activities for minors,
10 including:

11 1. sports, music, dance, art, or martial arts coaching or
12 instruction;

13 2. tutoring or academic enrichment;

14 3. day care or after school care;

15 4. scouting; or

16 5. day or overnight camping; or

17 (ii) any unit of local, State, or federal government.

18 (b) A person may not engage in:

19 (1) sexual contact with another without the consent of the other;

20 (2) except as provided in § 3–307(a)(4) of this subtitle, a sexual act with
21 another if the victim is 14 or 15 years old, and the person performing the sexual act is at
22 least 4 years older than the victim; or

23 (3) except as provided in § 3–307(a)(5) of this subtitle, vaginal intercourse
24 with another if the victim is 14 or 15 years old, and the person performing the act is at least
25 4 years older than the victim.

26 (c) (1) Except as provided in § 3–307(a)(4) of this subtitle or subsection (b)(2)
27 of this section, a person in a position of authority may not engage in a sexual act or sexual
28 contact with a minor who, at the time of the sexual act or sexual contact:

29 (i) is a student enrolled at a school where the person in a position of
30 authority works; or

1 (ii) 1. is participating in a program for which the person in a
2 position of authority works; and

3 2. is at least 6 years younger than the person in a position of
4 authority.

5 (2) Except as provided in § 3–307(a)(5) of this subtitle or subsection (b)(3)
6 of this section, a person in a position of authority may not engage in vaginal intercourse
7 with a minor who, at the time of the vaginal intercourse:

8 (i) is a student enrolled at a school where the person in a position of
9 authority works; or

10 (ii) 1. is participating in a program for which the person in a
11 position of authority works; and

12 2. is at least 6 years younger than the person in a position of
13 authority.

14 (d) (1) Except as provided in paragraph (2) of this subsection, a person who
15 violates this section is guilty of the misdemeanor of sexual offense in the fourth degree and
16 on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000
17 or both.

18 (2) (i) On conviction of a violation of this section, a person [who] IS
19 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING**
20 **\$1,000 OR BOTH IF THE PERSON** has been convicted on a prior occasion not arising from
21 the same incident:

22 1. of a violation of § 3–303, § 3–304, §§ 3–307 through 3–310
23 of this subtitle, § 3–311 or § 3–312 of this subtitle as the sections existed before October 1,
24 2017, § 3–315 of this subtitle, or § 3–602 of this title [is subject to imprisonment not
25 exceeding 3 years or a fine not exceeding \$1,000 or both]; OR

26 2. **IN ANOTHER STATE OR IN A FEDERAL, MILITARY, OR**
27 **NATIVE AMERICAN TRIBAL COURT OF A CRIME THAT, IF COMMITTED IN THIS STATE,**
28 **WOULD CONSTITUTE A VIOLATION OF § 3–303, § 3–304, §§ 3–307 THROUGH 3–310 OF**
29 **THIS SUBTITLE, § 3–311 OR § 3–312 OF THIS SUBTITLE AS THE SECTIONS EXISTED**
30 **BEFORE OCTOBER 1, 2017, § 3–315 OF THIS SUBTITLE, OR § 3–602 OF THIS TITLE.**

31 (ii) If the State intends to proceed against a person under
32 subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the
33 Maryland Rules for the indictment and trial of a subsequent offender.

34 (e) (1) Unless specifically charged by the State, a violation of this section may
35 not be considered a lesser included crime of any other crime.

1 (2) A sentence imposed under this section may be imposed separate from
2 and consecutive to or concurrent with a sentence for any crime based on the act establishing
3 the violation of this section.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.