

# HOUSE BILL 501

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6lr1654  
CF SB 407

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By: **Delegates Bartlett, Behler, Embry, Fair, McComas, Pasteur, Phillips, Pruski, Schmidt, Simmons, and Woods**

Introduced and read first time: January 27, 2026

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2026

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – Sexual Offense by a Person in a Position of Authority**

3 FOR the purpose of altering the penalties for the misdemeanor of sexual offense by a person  
4 in a position of authority; prohibiting a certain person in a position of authority from  
5 committing a certain violation involving a child under a certain age; prohibiting a  
6 person who has been previously convicted of a certain crime from committing a  
7 certain violation; adding sexual offense by a person in a position of authority as a  
8 predicate crime for sexual solicitation of a minor; altering the definitions of “tier I  
9 sex offender” and “tier III sex offender” as applicable to provisions relating to the sex  
10 offender registry; and generally relating to sexual crimes.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 3–308 and 3–324  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2025 Supplement)

16 BY adding to  
17 Article – Criminal Law  
18 Section 3–308.1  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2025 Supplement)

21 BY repealing and reenacting, without amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Criminal Procedure  
2 Section 11–701(a)  
3 Annotated Code of Maryland  
4 (2025 Replacement Volume)

5 BY repealing and reenacting, with amendments,  
6 Article – Criminal Procedure  
7 Section 11–701(o) and (q)  
8 Annotated Code of Maryland  
9 (2025 Replacement Volume)

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

12 **Article – Criminal Law**

13 3–308.

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

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

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

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

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

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

26 (3) “Program” means:

27 (i) an individual, a business, a religious or faith–based institution,  
28 or an organization that provides, on a for–profit or nonprofit basis, instructional, coaching,  
29 recreational, spiritual, character–building, or supervisory services or activities for minors,  
30 including:

31 1. sports, music, dance, art, or martial arts coaching or  
32 instruction;

33 2. tutoring or academic enrichment;

1                   3.     day care or after school care;

2                   4.     scouting; or

3                   5.     day or overnight camping; or

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

5           (b)]   A person may not engage in:

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

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

10                   (3)    except as provided in § 3–307(a)(5) of this subtitle, vaginal intercourse  
11 with another if the victim is 14 or 15 years old, and the person performing the act is at least  
12 4 years older than the victim.

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

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

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

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

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

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

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

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

1           (d)] (B)       (1)     Except as provided in paragraph (2) of this subsection, a person  
2 who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree  
3 and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding  
4 \$1,000 or both.

5                       (2)     (i)     On conviction of a violation of this section, a person who has been  
6 convicted on a prior occasion not arising from the same incident of a violation of § 3–303, §  
7 3–304, §§ 3–307 through 3–310 of this subtitle, § 3–311 or § 3–312 of this subtitle as the  
8 sections existed before October 1, 2017, § 3–315 of this subtitle, or § 3–602 of this title is  
9 subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

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

13           [(e)] (C)       (1)     Unless specifically charged by the State, a violation of this  
14 section may not be considered a lesser included crime of any other crime.

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

18 **3–308.1.**

19           (A)     (1)     **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
20 **INDICATED.**

21                       (2)     (I)     **“PERSON IN A POSITION OF AUTHORITY” MEANS A PERSON**  
22 **WHO:**

23                               1.     A.     **IS AT LEAST 21 YEARS OLD AND WORKS FOR**  
24 **REMUNERATION OR AS A VOLUNTEER FOR A PUBLIC OR PRIVATE PRESCHOOL,**  
25 **ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; OR**

26                               B.     **IS AT LEAST 22 YEARS OLD AND WORKS FOR**  
27 **REMUNERATION OR AS A VOLUNTEER FOR A PROGRAM; AND**

28                               2.     **EXERCISES SUPERVISION OVER OR WORKS OR**  
29 **INTERACTS WITH ONE OR MORE MINORS WHO ATTEND THE SCHOOL OR PARTICIPATE**  
30 **IN THE PROGRAM.**

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

1           **(3) “PROGRAM” MEANS:**

2                   **(I) AN INDIVIDUAL, A BUSINESS, A RELIGIOUS OR FAITH-BASED**  
3 **INSTITUTION, OR AN ORGANIZATION THAT PROVIDES, ON A FOR-PROFIT OR**  
4 **NONPROFIT BASIS, INSTRUCTIONAL, COACHING, RECREATIONAL, SPIRITUAL,**  
5 **CHARACTER-BUILDING, OR SUPERVISORY SERVICES OR ACTIVITIES FOR MINORS,**  
6 **INCLUDING:**

7                           **1. SPORTS, MUSIC, DANCE, ART, OR MARTIAL ARTS**  
8 **COACHING OR INSTRUCTION;**

9                           **2. TUTORING OR ACADEMIC ENRICHMENT;**

10                           **3. DAY CARE OR AFTER SCHOOL CARE;**

11                           **4. SCOUTING; OR**

12                           **5. DAY OR OVERNIGHT CAMPING; OR**

13                   **(II) ANY UNIT OF LOCAL, STATE, OR FEDERAL GOVERNMENT.**

14           **(B) (1) EXCEPT AS PROVIDED IN § 3-307(A)(4) OR § 3-308(A)(2) OF THIS**  
15 **SUBTITLE, A PERSON IN A POSITION OF AUTHORITY MAY NOT ENGAGE IN A SEXUAL**  
16 **ACT OR SEXUAL CONTACT WITH A MINOR WHO, AT THE TIME OF THE SEXUAL ACT OR**  
17 **SEXUAL CONTACT:**

18                           **(I) IS A STUDENT ENROLLED AT A SCHOOL WHERE THE PERSON**  
19 **IN A POSITION OF AUTHORITY WORKS; OR**

20                           **(II) 1. IS PARTICIPATING IN A PROGRAM FOR WHICH THE**  
21 **PERSON IN A POSITION OF AUTHORITY WORKS; AND**

22                                   **2. IS AT LEAST 6 YEARS YOUNGER THAN THE PERSON IN**  
23 **A POSITION OF AUTHORITY.**

24           **(2) EXCEPT AS PROVIDED IN § 3-307(A)(5) OR § 3-308(A)(3) OF THIS**  
25 **SUBTITLE, A PERSON IN A POSITION OF AUTHORITY MAY NOT ENGAGE IN VAGINAL**  
26 **INTERCOURSE WITH A MINOR WHO, AT THE TIME OF THE VAGINAL INTERCOURSE:**

27                           **(I) IS A STUDENT ENROLLED AT A SCHOOL WHERE THE PERSON**  
28 **IN A POSITION OF AUTHORITY WORKS; OR**

1                   **(II) 1. IS PARTICIPATING IN A PROGRAM FOR WHICH THE**  
2 **PERSON IN A POSITION OF AUTHORITY WORKS; AND**

3                   **2. IS AT LEAST 6 YEARS YOUNGER THAN THE PERSON IN**  
4 **A POSITION OF AUTHORITY.**

5           **(C) A PERSON IN A POSITION OF AUTHORITY MAY NOT VIOLATE SUBSECTION**  
6 **(B) OF THIS SECTION INVOLVING A CHILD UNDER THE AGE OF 13 YEARS.**

7           **(D) A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF**  
8 **§ 3-303, § 3-304, §§ 3-307 THROUGH 3-310 OF THIS SUBTITLE, § 3-311 OR § 3-312**  
9 **OF THIS SUBTITLE AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017, § 3-315 OF**  
10 **THIS SUBTITLE, OR § 3-602 OF THIS TITLE MAY NOT VIOLATE SUBSECTION (B) OR (C)**  
11 **OF THIS SECTION.**

12           **(E) (1) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS**  
13 **GUILTY OF THE MISDEMEANOR OF SEXUAL OFFENSE BY A PERSON IN A POSITION OF**  
14 **AUTHORITY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3**  
15 **YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

16           **(2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS**  
17 **GUILTY OF THE FELONY OF SEXUAL OFFENSE BY A PERSON IN A POSITION OF**  
18 **AUTHORITY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**  
19 **15 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

20           **(3) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS**  
21 **GUILTY OF THE FELONY OF SEXUAL OFFENSE BY A PERSON IN A POSITION OF**  
22 **AUTHORITY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**  
23 **25 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.**

24           **(F) (1) UNLESS SPECIFICALLY CHARGED BY THE STATE, A VIOLATION OF**  
25 **THIS SECTION MAY NOT BE CONSIDERED A LESSER INCLUDED CRIME OF ANY OTHER**  
26 **CRIME.**

27           **(2) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED**  
28 **SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR**  
29 **ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

30 3-324.

31           **(a) In this section, “solicit” means to command, authorize, urge, entice, request,**  
32 **or advise a person by any means, including:**

33           **(1) in person;**

- 1 (2) through an agent or agency;
- 2 (3) over the telephone;
- 3 (4) through any print medium;
- 4 (5) by mail;
- 5 (6) by computer or Internet; or
- 6 (7) by any other electronic means.

7 (b) (1) A person may not, with the intent to commit a violation of § 3-304 [or],  
8 § 3-307, **OR § 3-308.1** of this subtitle or § 11-207, § 11-303, § 11-304, § 11-305, § 11-306,  
9 or § 11-307 of this article, knowingly solicit a minor, or a law enforcement officer posing as  
10 a minor, to engage in activities that would be unlawful for the person to engage in under §  
11 3-304 [or], § 3-307, **OR § 3-308.1** of this subtitle or § 11-207, § 11-303, § 11-304, §  
12 11-305, § 11-306, or § 11-307 of this article.

13 (2) A person may not, with the intent to commit a violation of § 3-304 [or],  
14 § 3-307, **OR § 3-308.1** of this subtitle or § 11-207, § 11-303, § 11-304, § 11-305, § 11-306,  
15 or § 11-307 of this article, knowingly solicit the consent of a parent, guardian, or custodian  
16 of a minor, or a law enforcement officer posing as a parent, guardian, or custodian of a  
17 minor, to engage in activities with the minor that would be unlawful for the person to  
18 engage in under § 3-304 [or], § 3-307, **OR § 3-308.1** of this subtitle or § 11-207, § 11-303,  
19 § 11-304, § 11-305, § 11-306, or § 11-307 of this article.

20 (c) A violation of this section is considered to be committed in the State for  
21 purposes of determining jurisdiction if the solicitation:

- 22 (1) originated in the State; or
- 23 (2) is received in the State.

24 (d) A person who violates this section is guilty of a felony and on conviction is  
25 subject to:

26 (1) for a first offense, imprisonment not exceeding 10 years or a fine not  
27 exceeding \$25,000 or both; and

28 (2) for a second or subsequent offense, imprisonment not exceeding 20  
29 years or a fine not exceeding \$50,000 or both.

30 **Article – Criminal Procedure**

1 11-701.

2 (a) In this subtitle the following words have the meanings indicated.

3 (o) "Tier I sex offender" means a person who has been convicted of:

4 (1) conspiring to commit, attempting to commit, or committing a violation  
5 of § 3-308 **OR § 3-308.1(B)** of the Criminal Law Article;

6 (2) conspiring to commit, attempting to commit, or committing a violation  
7 of § 3-902 or § 11-208 of the Criminal Law Article, if the victim is a minor;

8 (3) a crime committed in a federal, military, tribal, or other jurisdiction  
9 that, if committed in this State, would constitute one of the crimes listed in item (1) or (2)  
10 of this subsection;

11 (4) any of the following federal offenses:

12 (i) misleading domain names on the Internet under 18 U.S.C. §  
13 2252B;

14 (ii) misleading words or digital images on the Internet under 18  
15 U.S.C. § 2252C;

16 (iii) engaging in illicit conduct in foreign places under 18 U.S.C. §  
17 2423(c);

18 (iv) failure to file a factual statement about an alien individual under  
19 18 U.S.C. § 2424;

20 (v) transmitting information about a minor to further criminal  
21 sexual conduct under 18 U.S.C. § 2425;

22 (vi) sex trafficking by force, fraud, or coercion under 18 U.S.C. § 1591;  
23 or

24 (vii) travel with intent to engage in illicit conduct under 18 U.S.C. §  
25 2423(b);

26 (5) any military offense specified by the Secretary of Defense under Section  
27 115(A)(8)(C)(i) of Public Law 105-119 (codified at 10 U.S.C. § 951 Note) that is similar to  
28 those offenses listed in item (4) of this subsection; or

29 (6) a crime in a court of Canada, Great Britain, Australia, New Zealand, or  
30 any other foreign country where the United States Department of State has determined in  
31 its Country Reports on Human Rights Practices that an independent judiciary generally or  
32 vigorously enforced the right to a fair trial during the year in which the conviction occurred

1 that, if the crime were committed in this State, would constitute one of the crimes listed in  
2 items (1) through (5) of this subsection.

3 (q) “Tier III sex offender” means a person who has been convicted of:

4 (1) conspiring to commit, attempting to commit, or committing a violation  
5 of:

6 (i) § 2–201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;

7 (ii) § 3–303, § 3–304, § 3–307(a)(1) or (2), **§ 3–308.1(C) OR (D)**, §  
8 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–323, or § 3–602 of the Criminal Law Article;

9 (iii) § 3–502 of the Criminal Law Article, if the victim is a minor;

10 (iv) § 3–502 of the Criminal Law Article, if the victim is an adult, and  
11 the person has been ordered by the court to register under this subtitle;

12 (v) the common law offense of sodomy, as that offense existed before  
13 October 1, 2020, or § 3–322 of the Criminal Law Article, as that offense existed before  
14 October 1, 2023, if the offense was committed with force or threat of force; or

15 (vi) § 3–305 or § 3–306 of the Criminal Law Article as the sections  
16 existed before October 1, 2017;

17 (2) conspiring to commit, attempting to commit, or committing a violation  
18 of § 3–307(a)(3), § 3–314, § 3–503, or § 3–603 of the Criminal Law Article, if the victim is  
19 under the age of 14 years;

20 (3) conspiring to commit, attempting to commit, or committing the common  
21 law offense of false imprisonment, if the victim is a minor;

22 (4) conspiring to commit, attempting to commit, or committing an offense  
23 that would require the person to register as a tier I or tier II sex offender after the person  
24 was already registered as a tier II sex offender;

25 (5) a crime committed in a federal, military, tribal, or other jurisdiction  
26 that, if committed in this State, would constitute one of the crimes listed in items (1)  
27 through (3) of this subsection; or

28 (6) a crime in a court of Canada, Great Britain, Australia, New Zealand, or  
29 any other foreign country where the United States Department of State has determined in  
30 its Country Reports on Human Rights Practices that an independent judiciary generally or  
31 vigorously enforced the right to a fair trial during the year in which the conviction occurred  
32 that, if the crime were committed in this State, would constitute one of the crimes listed in  
33 items (1) through (3) of this subsection.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2026.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.