

# HOUSE BILL 501

E1

(6lr1654)

## *ENROLLED BILL*

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates Bartlett, Behler, Embry, Fair, McComas, Pasteur, Phillips, Pruski, Schmidt, Simmons, and Woods**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

12 BY repealing and reenacting, with amendments,  
13 Article – Criminal Law

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 Section 3–308 and 3–324  
2 Annotated Code of Maryland  
3 (2021 Replacement Volume and 2025 Supplement)

4 BY adding to  
5 Article – Criminal Law  
6 Section 3–308.1  
7 Annotated Code of Maryland  
8 (2021 Replacement Volume and 2025 Supplement)

9 BY repealing and reenacting, without amendments,  
10 Article – Criminal Procedure  
11 Section 11–701(a)  
12 Annotated Code of Maryland  
13 (2025 Replacement Volume)

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Procedure  
16 Section 11–701(o) and (q)  
17 Annotated Code of Maryland  
18 (2025 Replacement Volume)

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

21 **Article – Criminal Law**

22 3–308.

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

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

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

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

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

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

1 (3) "Program" means:

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

6 1. sports, music, dance, art, or martial arts coaching or  
7 instruction;

8 2. tutoring or academic enrichment;

9 3. day care or after school care;

10 4. scouting; or

11 5. day or overnight camping; or

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

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

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

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

18 (3) except as provided in § 3-307(a)(5) of this subtitle, vaginal intercourse  
19 with another if the victim is 14 or 15 years old, and the person performing the act is at least  
20 4 years older than the victim.

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

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

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

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

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

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

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

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

10 (d) (B) (1) Except as provided in paragraph (2) of this subsection, a person  
11 who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree  
12 and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding  
13 \$1,000 or both.

14 (2) (i) On conviction of a violation of this section, a person who has been  
15 convicted on a prior occasion not arising from the same incident of a violation of § 3–303, §  
16 3–304, §§ 3–307 through 3–310 of this subtitle, § 3–311 or § 3–312 of this subtitle as the  
17 sections existed before October 1, 2017, § 3–315 of this subtitle, or § 3–602 of this title is  
18 subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

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

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

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

27 **3–308.1.**

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

30 (2) (I) “PERSON IN A POSITION OF AUTHORITY” MEANS A PERSON  
31 WHO:

32 1. A. IS AT LEAST 21 YEARS OLD AND WORKS FOR  
33 REMUNERATION OR AS A VOLUNTEER FOR A PUBLIC OR PRIVATE PRESCHOOL,  
34 ELEMENTARY SCHOOL, OR SECONDARY SCHOOL; OR

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

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

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

9                   **(3) “PROGRAM” MEANS:**

10                   **(I) AN INDIVIDUAL, A BUSINESS, A RELIGIOUS OR FAITH-BASED**  
11 **INSTITUTION, OR AN ORGANIZATION THAT PROVIDES, ON A FOR-PROFIT OR**  
12 **NONPROFIT BASIS, INSTRUCTIONAL, COACHING, RECREATIONAL, SPIRITUAL,**  
13 **CHARACTER-BUILDING, OR SUPERVISORY SERVICES OR ACTIVITIES FOR MINORS,**  
14 **INCLUDING:**

15                   **1. SPORTS, MUSIC, DANCE, ART, OR MARTIAL ARTS**  
16 **COACHING OR INSTRUCTION;**

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

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

19                   **4. SCOUTING; OR**

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

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

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

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

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

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

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

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

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

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

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

14                   **(D) A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF**  
15 **§ 3-303, § 3-304, §§ 3-307 THROUGH 3-310 OF THIS SUBTITLE, § 3-311 OR § 3-312**  
16 **OF THIS SUBTITLE AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017, § 3-315 OF**  
17 **THIS SUBTITLE, OR § 3-602 OF THIS TITLE MAY NOT VIOLATE SUBSECTION (B) OR (C)**  
18 **OF THIS SECTION.**

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

23                                   **(2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS**  
24 **GUILTY OF THE FELONY OF SEXUAL OFFENSE BY A PERSON IN A POSITION OF**  
25 **AUTHORITY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**  
26 **~~15~~ 10 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH.**

27                                   **(3) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS**  
28 **GUILTY OF THE FELONY OF SEXUAL OFFENSE BY A PERSON IN A POSITION OF**  
29 **AUTHORITY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**  
30 **~~25~~ 20 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.**

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

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

7 3-324.

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

- 10           (1) in person;
- 11           (2) through an agent or agency;
- 12           (3) over the telephone;
- 13           (4) through any print medium;
- 14           (5) by mail;
- 15           (6) by computer or Internet; or
- 16           (7) by any other electronic means.

17           (b) (1) A person may not, with the intent to commit a violation of § 3-304 [or],  
18 § 3-307, **OR § ~~3-308.1~~ 3-308.1(C) OR (D)** of this subtitle or § 11-207, § 11-303, § 11-304,  
19 § 11-305, § 11-306, or § 11-307 of this article, knowingly solicit a minor, or a law  
20 enforcement officer posing as a minor, to engage in activities that would be unlawful for  
21 the person to engage in under § 3-304 [or], § 3-307, **OR § ~~3-308.1~~ 3-308.1(C) OR (D)** of  
22 this subtitle or § 11-207, § 11-303, § 11-304, § 11-305, § 11-306, or § 11-307 of this article.

23           (2) A person may not, with the intent to commit a violation of § 3-304 [or],  
24 § 3-307, **OR § ~~3-308.1~~ 3-308.1(C) OR (D)** of this subtitle or § 11-207, § 11-303, § 11-304,  
25 § 11-305, § 11-306, or § 11-307 of this article, knowingly solicit the consent of a parent,  
26 guardian, or custodian of a minor, or a law enforcement officer posing as a parent, guardian,  
27 or custodian of a minor, to engage in activities with the minor that would be unlawful for  
28 the person to engage in under § 3-304 [or], § 3-307, **OR § ~~3-308.1~~ 3-308.1(C) OR (D)** of  
29 this subtitle or § 11-207, § 11-303, § 11-304, § 11-305, § 11-306, or § 11-307 of this article.

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

- 32           (1) originated in the State; or

1 (2) is received in the State.

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

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

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

### 8 Article – Criminal Procedure

9 11–701.

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

11 (o) “Tier I sex offender” means a person who has been convicted of:

12 (1) conspiring to commit, attempting to commit, or committing a violation  
13 of § 3–308 OR § 3–308.1(B) of the Criminal Law Article;

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

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

19 (4) any of the following federal offenses:

20 (i) misleading domain names on the Internet under 18 U.S.C. §  
21 2252B;

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

24 (iii) engaging in illicit conduct in foreign places under 18 U.S.C. §  
25 2423(c);

26 (iv) failure to file a factual statement about an alien individual under  
27 18 U.S.C. § 2424;

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

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

3 (vii) travel with intent to engage in illicit conduct under 18 U.S.C. §  
4 2423(b);

5 (5) any military offense specified by the Secretary of Defense under Section  
6 115(A)(8)(C)(i) of Public Law 105–119 (codified at 10 U.S.C. § 951 Note) that is similar to  
7 those offenses listed in item (4) of this subsection; or

8 (6) a crime in a court of Canada, Great Britain, Australia, New Zealand, or  
9 any other foreign country where the United States Department of State has determined in  
10 its Country Reports on Human Rights Practices that an independent judiciary generally or  
11 vigorously enforced the right to a fair trial during the year in which the conviction occurred  
12 that, if the crime were committed in this State, would constitute one of the crimes listed in  
13 items (1) through (5) of this subsection.

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

15 (1) conspiring to commit, attempting to commit, or committing a violation  
16 of:

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

18 (ii) § 3–303, § 3–304, § 3–307(a)(1) or (2), **§ 3–308.1(C) OR (D)**, §  
19 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–323, or § 3–602 of the Criminal Law Article;

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

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

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

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

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

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

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

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

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

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 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.