

# HOUSE BILL 501

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CF 6lr1652

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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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## A BILL ENTITLED

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,

22 Article – Criminal Procedure

23 Section 11–701(a)

24 Annotated Code of Maryland

25 (2025 Replacement Volume)

26 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5                   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

6   That the Laws of Maryland read as follows:

7                   **Article – Criminal Law**

8   3–308.

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

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

11                   1.       A.    is at least 21 years old and works for remuneration

12   or as a volunteer for a public or private preschool, elementary school, or secondary school;  
13   or

14                   B.       is at least 22 years old and works for remuneration or as a

15   volunteer for a program; and

16                   2.       exercises supervision over or works or interacts with one

17   or more minors who attend the school or participate in the program.

18                   (ii)     “Person in a position of authority” includes a principal, vice

19   principal, teacher, coach, or school counselor at a public or private preschool, elementary  
20   school, or secondary school.

21                  (3)     “Program” means:

22                   (i)     an individual, a business, a religious or faith-based institution,

23   or an organization that provides, on a for-profit or nonprofit basis, instructional, coaching,  
24   recreational, spiritual, character-building, or supervisory services or activities for minors,  
25   including:

26                   1.       sports, music, dance, art, or martial arts coaching or

27   instruction;

28                   2.       tutoring or academic enrichment;

29                   3.       day care or after school care;

30                   4.       scouting; or

31                   5.       day or overnight camping; or

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

(b)] A person may not engage in:

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

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

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

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

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

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

(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, at the time of the vaginal intercourse:

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

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

28 (d) (B) (1) Except as provided in paragraph (2) of this subsection, a person  
29 who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree  
30 and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding  
31 \$1,000 or both.

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

14 3-308.1.

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

17 (2) (I) "PERSON IN A POSITION OF AUTHORITY" MEANS A PERSON  
18 WHO:

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

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

20 (3) "PROGRAM" MEANS:

31 (I) AN INDIVIDUAL, A BUSINESS, A RELIGIOUS OR FAITH-BASED  
32 INSTITUTION, OR AN ORGANIZATION THAT PROVIDES, ON A FOR-PROFIT OR  
33 NONPROFIT BASIS, INSTRUCTIONAL, COACHING, RECREATIONAL, SPIRITUAL

1 CHARACTER-BUILDING, OR SUPERVISORY SERVICES OR ACTIVITIES FOR MINORS,  
2 INCLUDING:

3                   1. SPORTS, MUSIC, DANCE, ART, OR MARTIAL ARTS

4 COACHING OR INSTRUCTION;

5                   2. TUTORING OR ACADEMIC ENRICHMENT;

6                   3. DAY CARE OR AFTER SCHOOL CARE;

7                   4. SCOUTING; OR

8                   5. DAY OR OVERNIGHT CAMPING; OR

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

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

14                   (I) IS A STUDENT ENROLLED AT A SCHOOL WHERE THE PERSON  
15 IN A POSITION OF AUTHORITY WORKS; OR

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

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

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

23                   (I) IS A STUDENT ENROLLED AT A SCHOOL WHERE THE PERSON  
24 IN A POSITION OF AUTHORITY WORKS; OR

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

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

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

3           **(D) A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF**  
4           **§ 3-303, § 3-304, §§ 3-307 THROUGH 3-310 OF THIS SUBTITLE, § 3-311 OR § 3-312**  
5           **OF THIS SUBTITLE AS THE SECTIONS EXISTED BEFORE OCTOBER 1, 2017, § 3-315 OF**  
6           **THIS SUBTITLE, OR § 3-602 OF THIS TITLE MAY NOT VIOLATE SUBSECTION (B) OR (C)**  
7           **OF THIS SECTION.**

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

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

16           **(3) A PERSON WHO VIOLATES SUBSECTION (D) 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           **25 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.**

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

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

26           3-324.

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

29           (1) in person;

30           (2) through an agent or agency;

31           (3) over the telephone;

32           (4) through any print medium;

- (5) by mail;
- (6) by computer or Internet; or
- (7) by any other electronic means.

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

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

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

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

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

## Article – Criminal Procedure

28 11-701.

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

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

8 (4) any of the following federal offenses:

9 (i) misleading domain names on the Internet under 18 U.S.C. §  
10 2252B;

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

15 (iv) failure to file a factual statement about an alien individual under  
16 18 U.S.C. § 2424;

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

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

21 (vii) travel with intent to engage in illicit conduct under 18 U.S.C. §  
22 2423(b);

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

32 (q) "Tier III sex offender" means a person who has been convicted of:

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

4 (ii) § 3-303, § 3-304, § 3-307(a)(1) or (2), **§ 3-308.1(C) OR (D)**, §  
5 3-309, § 3-310, § 3-311, § 3-312, § 3-315, § 3-323, or § 3-602 of the Criminal Law Article;

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

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

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

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

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

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

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