

SENATE BILL 407

E1

6lr1652
CF HB 501

By: **Senators Gile, Love, Beidle, and Hettleman**

Introduced and read first time: January 29, 2026

Assigned to: Judicial Proceedings

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,
27 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 11–701(o) and (q)
Annotated Code of Maryland
(2025 Replacement Volume)

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

Article – Criminal Law

3–308.

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

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

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

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

2. 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:

(i) 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:

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

2. tutoring or academic enrichment;

3. day care or after school care;

4. scouting; or

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.

[(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, at the time of the sexual act or sexual contact:

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

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

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

(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:

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

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

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

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

(2) (i) On conviction of a violation of this section, a person who has been convicted on a prior occasion not arising from the same incident of a violation of § 3–303, §

3–304, §§ 3–307 through 3–310 of this subtitle, § 3–311 or § 3–312 of this subtitle as the sections existed before October 1, 2017, § 3–315 of this subtitle, or § 3–602 of this title is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

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

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

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

3–308.1.

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

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

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

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

2. 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:

(I) 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,

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.

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

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

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

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

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

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

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

3-324.

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

(1) in person;

(2) through an agent or agency;

(3) over the telephone;

(4) through any print medium;

(5) by mail;

(6) by computer or Internet; or

(7) by any other electronic means.

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

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

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

(1) originated in the State; or

(2) is received in the State.

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

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

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

Article – Criminal Procedure

11–701.

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

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

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

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

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

(4) any of the following federal offenses:

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

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

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

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

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

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

(vii) travel with intent to engage in illicit conduct under 18 U.S.C. § 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

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

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

1 (1) conspiring to commit, attempting to commit, or committing a violation
2 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;

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

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

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

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

17 (3) conspiring to commit, attempting to commit, or committing the common
18 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;

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

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.