

**SB0105/988370/3**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 105

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “to” in line 5 down through “employees” in line 6 and substitute “; prohibiting a certain person from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor under certain circumstances; providing that a certain violation under this Act is not included within a certain definition for a certain registry”; and after line 18, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 11-701(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11-701(o)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 14, after “person” insert “**WHO IS EMPLOYED FULL-TIME AS A PERSON**”; in line 15, after “who” insert “**THE PERSON KNOWS**”; in line 18, after “person” insert “**WHO IS EMPLOYED FULL-TIME AS A PERSON**”; in line 19, after “who” insert “**THE PERSON KNOWS**”; after line 20, insert:

**“(D) EXCEPT AS PROVIDED IN § 3-307(A) OF THIS SUBTITLE OR SUBSECTIONS (B) OR (C) OF THIS SECTION, A PERSON WHO IS EMPLOYED PART-**

(Over)

TIME AS A PERSON IN A POSITION OF AUTHORITY WHO IS AT LEAST 8 YEARS OLDER THAN THE VICTIM MAY NOT ENGAGE IN SEXUAL CONTACT, A SEXUAL ACT, OR VAGINAL INTERCOURSE WITH A MINOR WHO THE PERSON KNOWS, AT THE TIME OF THE SEXUAL CONTACT, SEXUAL ACT, OR VAGINAL INTERCOURSE, IS A STUDENT ENROLLED AT A SCHOOL WHERE THE PERSON IN A POSITION OF AUTHORITY IS EMPLOYED.”;

and in line 21, strike “(d)” and substitute “**(E)**”.

AMENDMENT NO. 3

On page 3, after line 31, insert:

“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(B) OR (C) 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.”.