

**HB1292/712510/1**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1292  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Public Safety” and substitute “Criminal Law”; strike beginning with “During” in line 2 down through “Investigations” in line 3; strike beginning with “requiring” in line 4 down through “prohibits” in line 5 and substitute “prohibiting”; strike beginning with “during” in line 6 down through “investigation” in line 7; in line 7, after “defining” insert “a”; in the same line, strike “terms” and substitute “term”; strike lines 8 through 12 in their entirety and substitute:

“BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–314

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)”;

and in line 15, strike “Public Safety” and substitute “Criminal Law”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 11 on page 2, inclusive, and substitute:

“3–314.

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

(2) (i) “Correctional employee” means a:

(Over)

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1. correctional officer, as defined in § 8-201 of the Correctional Services Article; or

2. managing official or deputy managing official of a correctional facility.

(ii) “Correctional employee” includes a sheriff, warden, or other official who is appointed or employed to supervise a correctional facility.

(3) “Court-ordered services provider” means a person who provides services to an individual who has been ordered by the court, the Division of Parole and Probation, or the Department of Juvenile Services to obtain those services.

(4) (i) “Inmate” has the meaning stated in § 1-101 of this article.

(ii) “Inmate” includes an individual confined in a community adult rehabilitation center.

**(5) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-101 OF THE PUBLIC SAFETY ARTICLE.**

(b) (1) This subsection applies to:

(i) a correctional employee;

(ii) any other employee of the Department of Public Safety and Correctional Services or a correctional facility;

(iii) an employee of a contractor providing goods or services to the Department of Public Safety and Correctional Services or a correctional facility; and

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(iv) any other individual working in a correctional facility, whether on a paid or volunteer basis.

(2) A person described in paragraph (1) of this subsection may not engage in sexual contact, vaginal intercourse, or a sexual act with an inmate.

(c) A person may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual confined in a child care institution licensed by the Department of Juvenile Services, a detention center for juveniles, or a facility for juveniles listed in § 9–226(b) of the Human Services Article.

(d) A court-ordered services provider may not engage in sexual contact, vaginal intercourse, or a sexual act with an individual ordered to obtain services while the order is in effect.

(e) A LAW ENFORCEMENT OFFICER MAY NOT ENGAGE IN SEXUAL CONTACT, VAGINAL INTERCOURSE, OR A SEXUAL ACT WITH A PERSON IN THE CUSTODY OF THE LAW ENFORCEMENT OFFICER.

(F) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$3,000 or both.

[(f)](G) A sentence imposed for a violation of this section may be separate from and consecutive to or concurrent with a sentence for another crime under § 3–303, § 3–304, or §§ 3–307 through 3–310 of this subtitle, or § 3–305, § 3–306, § 3–311, or § 3–312 of this subtitle as the sections existed before October 1, 2017.”.