

HOUSE BILL 1292

E4

8lr0420

By: **Delegates Lierman, Moon, Dumais, and Korman**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Public Safety~~ **Criminal Law** – Law Enforcement – Prohibition on Sexual Activity
3 **During Investigations**

4 FOR the purpose of ~~requiring each law enforcement agency to adopt a written policy that~~
5 ~~prohibits~~ prohibiting a law enforcement officer from engaging in a certain sexual act,
6 sexual contact, or vaginal intercourse with a certain person ~~during the course of an~~
7 ~~investigation~~; defining a certain terms term; and generally relating to law
8 enforcement.

9 ~~BY adding to~~

10 ~~Article – Public Safety~~

11 ~~Section 3–520~~

12 ~~Annotated Code of Maryland~~

13 ~~(2011 Replacement Volume and 2017 Supplement)~~

14 BY repealing and reenacting, with amendments,

15 Article – Criminal Law

16 Section 3–314

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2017 Supplement)

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

21 **Article – ~~Public Safety~~ Criminal Law**

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.



1 ~~3-520.~~

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

4 ~~(2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN~~
5 ~~§ 2 101 OF THIS ARTICLE.~~

6 ~~(3) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN §~~
7 ~~3 101 OF THIS TITLE.~~

8 ~~(4) "SEXUAL ACT" HAS THE MEANING STATED IN § 3 301 OF THE~~
9 ~~CRIMINAL LAW ARTICLE.~~

10 ~~(5) "SEXUAL CONTACT" HAS THE MEANING STATED IN § 3 301 OF THE~~
11 ~~CRIMINAL LAW ARTICLE.~~

12 ~~(6) "VAGINAL INTERCOURSE" HAS THE MEANING STATED IN § 3 301~~
13 ~~OF THE CRIMINAL LAW ARTICLE.~~

14 ~~(B) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL ADOPT A~~
15 ~~WRITTEN POLICY THAT PROHIBITS A LAW ENFORCEMENT OFFICER, DURING THE~~
16 ~~COURSE OF AN INVESTIGATION, FROM ENGAGING IN A SEXUAL ACT, SEXUAL~~
17 ~~CONTACT, OR VAGINAL INTERCOURSE WITH A VICTIM, A WITNESS, OR A SUSPECT IN~~
18 ~~THAT INVESTIGATION.~~

19 3-314.

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

21 (2) (i) "Correctional employee" means a:

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

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

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

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

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

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

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

6 (b) (1) This subsection applies to:

7 (i) a correctional employee;

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

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

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

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

16 (c) A person may not engage in sexual contact, vaginal intercourse, or a sexual
17 act with an individual confined in a child care institution licensed by the Department of
18 Juvenile Services, a detention center for juveniles, or a facility for juveniles listed in §
19 9–226(b) of the Human Services Article.

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

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.