

HOUSE BILL 959

E1

2lr1912

By: **Delegate Novotny**

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Offense in the Fourth Degree – Person in a Position of**
3 **Authority Over a Minor**

4 FOR the purpose of altering the definition of “person in a position of authority” to prohibit
5 certain persons from engaging in sexual contact with a minor; and generally relating
6 to persons in a position of authority and sexual offenses.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 3–308(a)
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 3–308(c)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2021 Supplement)

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

19 **Article – Criminal Law**

20 3–308.

21 (a) In this section, “person in a position of authority”:

22 (1) means a person who:

23 (i) is at least 21 years old;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) is employed by [or], under contract with, **OR WORKS IN ANY**
2 **OTHER CAPACITY IN** a public or private preschool, elementary school, or secondary school;
3 and

4 (iii) because of the person's position or occupation, exercises
5 supervision over a minor who attends the school; and

6 (2) includes a principal, vice principal, teacher, coach, [or] school
7 counselor, **OR A SCHOOL RESOURCE OFFICER, POLICE OFFICER, OR OTHER SECURITY**
8 **OFFICER** at a public or private preschool, elementary school, or secondary school.

9 (c) (1) Except as provided in § 3-307(a)(4) of this subtitle or subsection (b)(2)
10 of this section, a person in a position of authority may not engage in a sexual act or sexual
11 contact with a minor who, at the time of the sexual act or sexual contact, is a student
12 enrolled at a school where the person in a position of authority is employed.

13 (2) Except as provided in § 3-307(a)(5) of this subtitle or subsection (b)(3)
14 of this section, a person in a position of authority may not engage in vaginal intercourse
15 with a minor who, at the time of the vaginal intercourse, is a student enrolled at a school
16 where the person in a position of authority is employed.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2022.