

SB0021/533728/1

BY: Judiciary Committee

AMENDMENTS TO SENATE BILL 21  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “for” in line 4 down through “minor” in line 6 and substitute “applicable to sexual offense in the fourth degree”; in line 7, strike “from”; in line 8, strike “certain”; in line 9, after “enrolled” insert “at a school”; strike beginning with “the” in line 9 down through “where” in line 10 and substitute “a certain program for which”; in line 10, strike “is”; and in line 11, strike “employed or under contract;” and substitute “works; prohibiting sexual offense in the fourth degree from being considered a lesser inclusive crime of any other crime, except under certain circumstances; authorizing the imposition of a certain sentence in a certain manner;”.

AMENDMENT NO. 2

On page 3, strike beginning with “IN” in line 3 down through “GOVERNMENT” in line 26 and substitute “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**;

in line 27, strike “**(2)**” and substitute “**(II)**”; and strike beginning with the colon in line 27 down through “**SUBSECTION,**” in line 29.

On pages 3 and 4, strike beginning with “**;AND**” in line 31 on page 3 down through “**ACTIVITY**” in line 9 on page 4.

On page 4, after line 9, insert:

**(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.

AMENDMENT NO. 3

On page 4, in line 19, strike the brackets; in the same line, strike the second comma; in line 20, strike “, **OR VAGINAL INTERCOURSE**”; in lines 21 and 22, strike “**SEXUAL ACT, SEXUAL CONTACT**” and substitute “sexual act or sexual contact”; in line 22, strike “, **OR VAGINAL INTERCOURSE,**” and substitute “:

(I)”;

strike beginning with “, **OR**” in line 23 down through “**ACTIVITY**” in line 24; in lines 24 and 25, strike “is employed **OR UNDER CONTRACT**” and substitute “**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”;

in line 32, strike the second comma and substitute “:

(I)”;

and in line 33, strike “is employed” and substitute “**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**.

On page 5, in line 13, after "(E)" insert "**(1)**"; and after line 15, insert:

**"(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."**