

HOUSE BILL 138

E1

(PRE-FILED)

6lr1241
CF SB 230

By: **Delegates Bartlett, Crutchfield, Embry, Simmons, and Williams**

Requested: October 17, 2025

Introduced and read first time: January 14, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Third-Degree Sexual Offense – Burglary**

3 FOR the purpose of establishing that engaging in sexual contact with another without the
4 consent of the other in connection with a first-, second-, or third-degree burglary
5 constitutes sexual offense in the third degree; altering the definitions of “tier I sex
6 offender”, “tier II sex offender”, and “tier III sex offender” applicable to provisions
7 relating to sex offender registration to include certain acts constituting sexual
8 offense in the third degree; and generally relating to sexual offense in the third
9 degree.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 3–307
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Procedure
17 Section 11–701(a)
18 Annotated Code of Maryland
19 (2025 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Procedure
22 Section 11–701(o), (p), and (q)
23 Annotated Code of Maryland
24 (2025 Replacement Volume)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

3–307.

(a) A person may not:

(1) (i) engage in sexual contact with another without the consent of the other; and

(ii) 1. employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon;

2. suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime;

3. threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; [or]

4. commit the crime while aided and abetted by another; **OR**

5. COMMIT THE CRIME IN CONNECTION WITH A BURGLARY IN THE FIRST DEGREE UNDER § 6–202 OF THIS ARTICLE, A BURGLARY IN THE SECOND DEGREE UNDER § 6–203 OF THIS ARTICLE, OR A BURGLARY IN THE THIRD DEGREE UNDER § 6–204 OF THIS ARTICLE;

(2) engage in sexual contact with another if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual;

(3) engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least 4 years older than the victim;

(4) engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or

(5) engage in vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 21 years old.

(b) A person who violates this section is guilty of the felony of sexual offense in the third degree and on conviction is subject to imprisonment not exceeding 10 years.

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 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) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3–307(A)(1)(II)5 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS NOT A MINOR;

[(3)] (4) 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)] ITEMS (1) THROUGH (3)** of this subsection;

[(4)] (5) 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);

1 ~~[(5)] (6)~~ any military offense specified by the Secretary of Defense under
2 Section 115(A)(8)(C)(i) of Public Law 105–119 (codified at 10 U.S.C. § 951 Note) that is
3 similar to those offenses listed in item ~~[(4)] (5)~~ of this subsection; or

4 ~~[(6)] (7)~~ a crime in a court of Canada, Great Britain, Australia, New
5 Zealand, or any other foreign country where the United States Department of State has
6 determined in its Country Reports on Human Rights Practices that an independent
7 judiciary generally or vigorously enforced the right to a fair trial during the year in which
8 the conviction occurred that, if the crime were committed in this State, would constitute
9 one of the crimes listed in items (1) through ~~[(5)] (6)~~ of this subsection.

10 (p) “Tier II sex offender” means a person who has been convicted of:

11 (1) conspiring to commit, attempting to commit, or committing a violation
12 of § 3–307(a)(4) or (5), § 3–324, § 11–207, or § 11–209 of the Criminal Law Article;

13 (2) conspiring to commit, attempting to commit, or committing a violation
14 of § 3–1102, § 3–1103, § 11–303, § 11–305, § 11–306, or § 11–307 of the Criminal Law
15 Article, if the intended prostitute or victim is a minor;

16 (3) conspiring to commit, attempting to commit, or committing a violation
17 of § 3–314 or § 3–603 of the Criminal Law Article, if the victim is a minor who is at least 14
18 years old;

19 **(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR**
20 **COMMITTING A VIOLATION OF § 3–307(A)(1)(II)5 OF THE CRIMINAL LAW ARTICLE,**
21 **IF THE VICTIM IS A MINOR WHO IS AT LEAST 13 YEARS OLD;**

22 ~~[(4)] (5)~~ conspiring to commit, attempting to commit, or committing an
23 offense that would require the person to register as a tier I sex offender after the person
24 was already registered as a tier I sex offender;

25 ~~[(5)] (6)~~ a crime that was committed in a federal, military, tribal, or other
26 jurisdiction that, if committed in this State, would constitute one of the crimes listed in
27 items (1) through ~~[(3)] (4)~~ of this subsection; or

28 ~~[(6)] (7)~~ a crime in a court of Canada, Great Britain, Australia, New
29 Zealand, or any other foreign country where the United States Department of State has
30 determined in its Country Reports on Human Rights Practices that an independent
31 judiciary generally or vigorously enforced the right to a fair trial during the year in which
32 the conviction occurred that, if the crime were committed in this State, would constitute
33 one of the crimes listed in items (1) through ~~[(3)] (4)~~ of this subsection.

34 (q) “Tier III sex offender” means a person who has been convicted of:

(1) conspiring to commit, attempting to commit, or committing a violation of:

(i) § 2–201(a)(4)(viii), (x), or (xi) of the Criminal Law Article;

(ii) § 3–303, § 3–304, ~~§ 3–307(a)(1) or (2)~~ **§ 3–307(A)(1)(II)1 THROUGH 4 AND (2)**, § 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–323, or § 3–602 of the Criminal Law Article;

(iii) § 3–502 of the Criminal Law Article, if the victim is a minor;

(iv) § 3–502 of the Criminal Law Article, if the victim is an adult, and the person has been ordered by the court to register under this subtitle;

(v) the common law offense of sodomy, as that offense existed before October 1, 2020, or § 3–322 of the Criminal Law Article, as that offense existed before October 1, 2023, if the offense was committed with force or threat of force; or

(vi) § 3–305 or § 3–306 of the Criminal Law Article as the sections existed before October 1, 2017;

(2) conspiring to commit, attempting to commit, or committing a violation of § 3–307(a)(3), § 3–314, § 3–503, or § 3–603 of the Criminal Law Article, if the victim is under the age of 14 years;

(3) conspiring to commit, attempting to commit, or committing the common law offense of false imprisonment, if the victim is a minor;

(4) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 3–307(A)(1)(II)5 OF THE CRIMINAL LAW ARTICLE, IF THE VICTIM IS A MINOR WHO IS UNDER THE AGE OF 13 YEARS;

[(4)] (5) conspiring to commit, attempting to commit, or committing an offense that would require the person to register as a tier I or tier II sex offender after the person was already registered as a tier II sex offender;

[(5)] (6) 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 items (1) through **[(3)] (4)** of this subsection; or

[(6)] (7) 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 **[(3)] (4)** of this subsection.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
2 apply only prospectively and may not be applied or interpreted to have any effect on or
3 application to any acts committed before the effective date of this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2026.