

HOUSE BILL 1189

E1, E4
HB 1010/13 – JUD

4lr2700

By: **Delegate Glass**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Inappropriate Search of Minor by Public Servant – Penalties**

3 FOR the purpose of prohibiting a certain public servant from conducting a certain
4 inappropriate search of a minor without probable cause that the minor is
5 concealing contraband or a weapon or without the consent of the parent or
6 guardian of the minor; establishing penalties for a violation of this Act; defining
7 certain terms; and generally relating to searches of minors.

8 BY adding to

9 Article – Criminal Law

10 Section 3–602.2

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2013 Supplement)

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

15 **Article – Criminal Law**

16 **3–602.2.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) (I) “INAPPROPRIATE SEARCH” MEANS INTENTIONALLY,
20 KNOWINGLY, OR RECKLESSLY TOUCHING OR VIEWING BODILY AREAS,
21 INCLUDING:

22 1. SEXUAL ORGANS;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 2. ANUS;
- 2 3. BUTTOCKS; AND
- 3 4. CHEST.

4 (II) “INAPPROPRIATE SEARCH” INCLUDES THE USE OF A
5 TECHNOLOGICAL DEVICE TO VIEW AN IMAGE OF A BODILY AREA LISTED IN
6 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

7 (3) “PUBLIC SERVANT” MEANS:

8 (I) AN OFFICER, EMPLOYEE, OR AGENT OF:

- 9 1. THE UNITED STATES;
- 10 2. THE STATE;
- 11 3. A BRANCH, A DEPARTMENT, OR AN AGENCY OF
12 THE UNITED STATES OR THE STATE; OR
- 13 4. ANOTHER PERSON ACTING UNDER CONTRACT
14 WITH A BRANCH, A DEPARTMENT, OR AN AGENCY OF THE UNITED STATES OR
15 THE STATE FOR THE PURPOSE OF PROVIDING A SECURITY OR LAW
16 ENFORCEMENT SERVICE; OR

17 (II) ANOTHER PERSON ACTING UNDER COLOR OF FEDERAL
18 OR STATE LAW.

19 (B) A PUBLIC SERVANT MAY NOT CONDUCT AN INAPPROPRIATE SEARCH
20 OF A MINOR WITHOUT:

21 (1) PROBABLE CAUSE THAT THE MINOR IS CONCEALING
22 CONTRABAND OR A WEAPON; OR

23 (2) THE CONSENT OF THE PARENT OR GUARDIAN OF THE MINOR.

24 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
25 MISDEMEANOR OF INAPPROPRIATE SEARCH OF A MINOR AND ON CONVICTION IS
26 SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT
27 EXCEEDING \$4,000 OR BOTH.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2014.