

SENATE BILL 654

E1

3lr2305

By: **Senator Simonaire**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Safe Harbor for Minors Act of 2013**

3 FOR the purpose of establishing a minimum age at which a person may be charged
4 with certain prostitution offenses; establishing a presumption that, if a minor of
5 a certain age is charged with a certain prostitution offense, the minor was
6 coerced into committing the offense; establishing that it is not a defense to a
7 prosecution of certain prostitution and human trafficking offenses that a person
8 who consented to certain acts may not be prosecuted due to the person's age;
9 and generally relating to prostitution.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 11–303(a) and (b)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2012 Supplement)

15 BY adding to
16 Article – Criminal Law
17 Section 11–303(f)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Law
22 Section 11–306
23 Annotated Code of Maryland
24 (2012 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Law**

2 11–303.

3 (a) (1) A person may not knowingly:

4 (i) take or cause another to be taken to any place for
5 prostitution;6 (ii) place, cause to be placed, or harbor another in any place for
7 prostitution;8 (iii) persuade, induce, entice, or encourage another to be taken to
9 or placed in any place for prostitution;10 (iv) receive consideration to procure for or place in a house of
11 prostitution or elsewhere another with the intent of causing the other to engage in
12 prostitution or assignation;13 (v) engage in a device, scheme, or continuing course of conduct
14 intended to cause another to believe that if the other did not take part in a sexually
15 explicit performance, the other or a third person would suffer physical restraint or
16 serious physical harm; or17 (vi) destroy, conceal, remove, confiscate, or possess an actual or
18 purported passport, immigration document, or government identification document of
19 another while otherwise violating or attempting to violate this subsection.20 (2) A parent, guardian, or person who has permanent or temporary
21 care or custody or responsibility for supervision of another may not consent to the
22 taking or detention of the other for prostitution.23 (b) (1) A person may not violate subsection (a) of this section involving a
24 victim who is a minor.25 (2) A person may not knowingly take or detain another with the intent
26 to use force, threat, coercion, or fraud to compel the other to marry the person or a
27 third person or perform a sexual act, sexual contact, or vaginal intercourse.28 **(F) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION**
29 **THAT A PERSON CONSENTING TO ANY ACTIVITY PROHIBITED BY THIS SECTION**
30 **COULD NOT BE PROSECUTED DUE TO THE PERSON’S AGE UNDER § 11–306 OF**
31 **THIS SUBTITLE.**

32 11–306.

33 (a) A person **16 YEARS OF AGE OR OLDER** may not knowingly:

- 1 (1) engage in prostitution or assignation by any means;
- 2 (2) keep, set up, occupy, maintain, or operate a building, structure, or
3 conveyance for prostitution or assignation;
- 4 (3) allow a building, structure, or conveyance owned or under the
5 person's control to be used for prostitution or assignation;
- 6 (4) allow or agree to allow a person into a building, structure, or
7 conveyance for prostitution or assignation; or
- 8 (5) procure or solicit or offer to procure or solicit for prostitution or
9 assignation.

10 **(B) IF A MINOR WHO IS 16 OR 17 YEARS OF AGE VIOLATES THIS**
11 **SECTION, THE MINOR IS PRESUMED TO HAVE BEEN COERCED INTO COMMITTING**
12 **THE OFFENSE.**

13 **[(b)] (C)** A person who violates this section is guilty of a misdemeanor and
14 on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
15 \$500 or both.

16 **(D) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION**
17 **THAT A PERSON CONSENTING TO ANY ACTIVITY PROHIBITED BY THIS SECTION**
18 **COULD NOT BE PROSECUTED DUE TO THE PERSON'S AGE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2013.