

HOUSE BILL 204

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By: **Delegates McDermott, Afzali, Arentz, Aumann, Boteler, Cluster, Dwyer, Eckardt, Elliott, Frank, K. Kelly, Krebs, McComas, Otto, Parrott, Smigiel, Stocksdales, Swain, Valentino-Smith, and Vitale**

Introduced and read first time: January 16, 2014

Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Crimes – Extortion of Sexually Explicit Images

FOR the purpose of prohibiting a person, with the intent to unlawfully extort a sexually explicit or nude photograph, video footage, or other visual representation of the other person, from verbally threatening certain acts; prohibiting a person, with the intent to unlawfully extort labor, services, or a sexually explicit or nude photograph, video footage, or other visual representation of the other person, from knowingly sending or delivering, or making for the purpose of being sent or delivered and part with the possession of, a writing threatening certain acts; providing penalties for a violation of this Act; and generally relating to extortion of sexually explicit images.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–705 and 3–706
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

3–705.

(a) A person, with the intent to unlawfully extort **FROM ANOTHER** money, property, labor, services, [or] anything of value [from another], **OR A SEXUALLY**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



EXPLICIT OR NUDE PHOTOGRAPH, VIDEO FOOTAGE, OR OTHER VISUAL REPRESENTATION OF THE OTHER PERSON, may not verbally threaten to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2) (i) cause physical injury to a person;

(ii) inflict emotional distress on a person;

(iii) cause economic damage to a person; or

(iv) cause damage to the property of a person.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

3-706.

(a) (1) This section applies to any writing, whether or not the writing is signed, or if the writing is signed, whether or not it is signed with a fictitious name or any other mark or designation.

(2) This section does not apply to a good faith reasonable notice of dishonor and warning of criminal prosecution under Title 8, Subtitle 1 of this article given by a holder of an instrument to the maker of the instrument.

(b) A person, with the intent to unlawfully extort **FROM ANOTHER** money, property, [or] **LABOR, SERVICES**, anything of value [from another], **OR A SEXUALLY EXPLICIT OR NUDE PHOTOGRAPH, VIDEO FOOTAGE, OR OTHER VISUAL REPRESENTATION OF THE OTHER PERSON**, may not knowingly send or deliver, or make for the purpose of being sent or delivered and part with the possession of, a writing threatening to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2) (i) cause physical injury to a person;

(ii) inflict emotional distress on a person;

(iii) cause economic damage to a person; or

(iv) cause damage to the property of a person.

(c) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

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