E1 6lr2114 CF 6lr3527

By: Senators Lee, Madaleno, and Manno

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

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L	AN	ACT	concerning

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Criminal Law - Solicitation for Prostitution - Fine

3 FOR the purpose of altering the penalty to which a person is subject on conviction of procuring or soliciting or offering to procure or solicit for prostitution or assignation; 4 5 altering the penalty to which a person is subject on conviction of engaging in 6 prostitution or assignation; requiring certain fines to be remitted to the Governor's 7 Office of Crime Control and Prevention; providing that the Governor's Office of 8 Crime Control and Prevention may use certain money received only for the purpose 9 of funding services for victims of human trafficking; and generally relating to solicitation. 10

- 11 BY repealing and reenacting, with amendments,
- 12 Article Criminal Law
- 13 Section 11–306
- 14 Annotated Code of Maryland
- 15 (2012 Replacement Volume and 2015 Supplement)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Courts and Judicial Proceedings
- 18 Section 7–302(a)
- 19 Annotated Code of Maryland
- 20 (2013 Replacement Volume and 2015 Supplement)
- 21 BY repealing and reenacting, without amendments,
- 22 Article Courts and Judicial Proceedings
- Section 7-302(g)
- 24 Annotated Code of Maryland
- 25 (2013 Replacement Volume and 2015 Supplement)
- 26 BY adding to
- 27 Article Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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	2 SENATE DILL 800			
1 2 3	Section 7–302(h) Annotated Code of Maryland (2013 Replacement Volume and 2015 Supplement)			
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
6	Article - Criminal Law			
7	11–306.			
8	(a) A person may not knowingly:			
9	(1) [engage in prostitution or assignation by any means;			
10 11	(2)] keep, set up, occupy, maintain, or operate a building, structure, or conveyance for prostitution or assignation;			
12 13	[(3)] (2) allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation; OR			
14 15	[(4)] (3) allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation[; or			
16 17	(5) procure or solicit or offer to procure or solicit for prostitution or assignation].			
18 19	(B) A PERSON MAY NOT KNOWINGLY PROCURE OR SOLICIT OR OFFER TO PROCURE OR SOLICIT FOR PROSTITUTION OR ASSIGNATION.			
20 21	(C) A PERSON MAY NOT KNOWINGLY ENGAGE IN PROSTITUTION OR ASSIGNATION BY ANY MEANS.			
22 23 24	[(b)] (D) (1) A person who violates SUBSECTION (A) OF this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.			
25 26 27	(2) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.			
28 29	(3) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT			

EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

- [(c)] (E) (1) Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another who was charged with violating the prohibition against human trafficking under § 11–303 of this subtitle or under federal law.
- 5 (2) A defendant may not assert the affirmative defense provided in 6 paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the 7 defendant's intention to assert the defense at least 10 days prior to trial.

Article - Courts and Judicial Proceedings

9 7-302.

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- 10 (a) Except as provided in subsections (b) through **[**(g)**] (H)** of this section, the 11 clerks of the District Court shall:
- 12 (1) Collect costs, fines, forfeitures, or penalties imposed by the court; and
- 13 (2) Remit them to the State under a system agreed upon by the Chief Judge 14 of the District Court and the Comptroller.
- 15 (g) (1) A civil penalty collected by the District Court resulting from citations 16 issued under § 5–601(c)(2)(ii) of the Criminal Law Article shall be remitted to the 17 Department of Health and Mental Hygiene.
- 18 (2) The Department of Health and Mental Hygiene may use money 19 received under this subsection only for the purpose of funding drug treatment and 20 education programs.
- (H) (1) A PENALTY COLLECTED BY THE DISTRICT COURT RESULTING FROM CONVICTIONS UNDER § 11–306(C)(2) OF THE CRIMINAL LAW ARTICLE SHALL BE REMITTED TO THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.
- 24 (2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND 25 PREVENTION MAY USE THE MONEY RECEIVED UNDER THIS SUBSECTION ONLY FOR 26 THE PURPOSE OF FUNDING SERVICES FOR VICTIMS OF HUMAN TRAFFICKING.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.