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April 24, 2017

The Honorable Lawrence J. Hogan, Jr.
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

RE: *House Bill 1263 and Senate Bill 996, "Family Law – Child Abuse and Neglect – Definitions"*

Dear Governor Hogan:

House Bill 1263 and Senate Bill 996 amend the definition of "sexual abuse" in Family Law Article, § 5-701(x) to add "a person who, because of the person's position or occupation, exercises authority over the child" to the list of those covered by the section. That is the sole substantive change, but the subsection has been redrafted so that the list of covered person is tabulated. Senate Bill 308, which has been signed by you and is Chapter 151, amended the same provision to include sex trafficking in that section regardless of whether it is done by one of the listed persons. Chapter 151 adds a definition of "sex trafficking" as subsection (x) and amends what is now subsection (x) as follows:

[(x)(1)] (Y) "Sexual abuse" means any act that involves [sexual molestation or exploitation of a child by]:

(1) SEXUAL MOLESTATION OR EXPLOITATION OF A CHILD BY a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member;
OR

(2) SEX TRAFFICKING OF A CHILD BY ANY INDIVIDUAL.

It is our view that the changes made by House Bill 1263 and Senate Bill 996 can be incorporated into the changes already made by Chapter 151 to read as follows:

(y) "Sexual abuse" means any act that involves:

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- (1) sexual molestation or exploitation of a child by:
- (i) a parent;
 - (ii) a household member or family member;
 - (iii) a person who has permanent or temporary care or custody of the child;
 - (iv) a person who has responsibility for supervision of the child; or
 - (v) a person who, because of the person's position or occupation, exercises authority over the child.
- (2) sex trafficking of a child by any individual.

The changes made by Chapter 151 to what was paragraph (2) of (x) and is now paragraph (z) present no conflict.

Sincerely,



Brian E. Frosh
Attorney General

BEF/KMR/kd

cc: The Honorable John C. Wobensmith
Chris Shank
Warren Deschenaux