

HOUSE BILL 1219

D4

7lr1955
CF SB 912

By: **Chair, Judiciary Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2017

CHAPTER _____

1 AN ACT concerning

2 **Children in Need of Assistance – Sex Trafficking**

3 FOR the purpose of altering the definition of “sexual abuse” in provisions of law relating to
4 children in need of assistance to include an act that involves the sex trafficking of a
5 child by any individual; defining the terms “sexual molestation or exploitation” and
6 “sex trafficking” in provisions of law relating to children in need of assistance;
7 making certain conforming changes; and generally relating to children in need of
8 assistance and sex trafficking.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–801(a) and (f)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2016 Supplement)

14 BY adding to
15 Article – Courts and Judicial Proceedings
16 Section 3–801(x)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 3–801(x), (y), (z), (aa), (bb), and (cc)
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2013 Replacement Volume and 2016 Supplement)

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

Article – Courts and Judicial Proceedings

3–801.

(a) In this subtitle the following words have the meanings indicated.

(f) “Child in need of assistance” means a child who requires court intervention because:

(1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and

(2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.

(X) “SEX TRAFFICKING” MEANS THE RECRUITMENT, HARBORING, TRANSPORTATION, PROVISION, OBTAINING, PATRONIZING, OR SOLICITING OF A CHILD FOR THE PURPOSE OF A COMMERCIAL SEX ACT.

~~[(x) (1)]~~ **(Y)** “Sexual abuse” means an act that involves [sexual]:

(1) SEXUAL molestation or [sexual] exploitation of a child by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member; **OR**

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

~~[(2)]~~ **(Z)** [“Sexual abuse”] **“SEXUAL MOLESTATION OR EXPLOITATION”** includes:

~~[(i)]~~ **(1)** Allowing or encouraging a child to engage in:

~~[1.]~~ **(I)** Obscene photography, films, poses, or similar activity;

~~[2.]~~ **(II)** Pornographic photography, films, poses, or similar activity; or

- 1 [3.] (III) Prostitution;
- 2 [(ii) Human trafficking;]
- 3 [(iii)] (2) Incest;
- 4 [(iv)] (3) Rape;
- 5 [(v)] (4) Sexual offense in any degree;
- 6 [(vi)] (5) Sodomy; and
- 7 [(vii)] (6) Unnatural or perverted sexual practices.

8 [(y)] (AA) “Shelter care” means a temporary placement of a child outside of the
 9 home at any time before disposition.

10 [(z)] (BB) “Shelter care hearing” means a hearing held before disposition to
 11 determine whether the temporary placement of the child outside of the home is warranted.

12 [(aa)] (CC) “TPR proceeding” means a proceeding to terminate parental rights.

13 [(bb)] (DD) “Voluntary placement” means a placement in accordance with §
 14 5–525(b)(1)(i) or (iii) or (3) of the Family Law Article.

15 [(cc)] (EE) “Voluntary placement hearing” means a hearing to obtain a judicial
 16 determination as to whether continuing a voluntary placement is in the best interests of
 17 the child.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 19 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.