

SENATE BILL 912

D4

7lr1956
CF HB 1219

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

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 14, 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)

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.



1 Annotated Code of Maryland
2 (2013 Replacement Volume and 2016 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 3–801.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **[2.] (II)** Pornographic photography, films, poses, or similar
29 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.

President of the Senate.

Speaker of the House of Delegates.