

Chapter 128

(House Bill 246)

AN ACT concerning

Sexual Solicitation of a Minor – Solicitation Through Parent, Guardian, or Custodian – Prohibition and Penalties

FOR the purpose of prohibiting a person from knowingly and with a certain intent soliciting the consent of a parent, guardian, or custodian of a minor, or a ~~person believed to be~~ law enforcement officer posing as a parent, guardian, or custodian of a minor, to engage in certain prohibited sexual acts with the minor; establishing and altering certain penalties; making a technical change; and generally relating to sexual solicitation of a minor.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–324
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

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

Article – Criminal Law

3–324.

(a) In this section, “solicit” means to command, authorize, urge, entice, request, or advise a person by any means, including:

- (1) in person;
- (2) through an agent or agency;
- (3) over the telephone;
- (4) through any print medium;
- (5) by mail;
- (6) by computer or Internet; or
- (7) by any other electronic means.

(b) (1) A person may not, with the intent to commit a violation of § 3–304[, § 3–306,] or § 3–307 of this subtitle or § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3–304[, § 3–306,] or § 3–307 of this subtitle or § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article.

(2) A PERSON MAY NOT, WITH THE INTENT TO COMMIT A VIOLATION OF § 3–304 OR § 3–307 OF THIS SUBTITLE OR § 11–303, § 11–304, § 11–305, § 11–306, OR § 11–307 OF THIS ARTICLE, KNOWINGLY SOLICIT THE CONSENT OF A PARENT, GUARDIAN, OR CUSTODIAN OF A MINOR, OR A ~~PERSON BELIEVED TO BE~~ LAW ENFORCEMENT OFFICER POSING AS A PARENT, GUARDIAN, OR CUSTODIAN OF A MINOR, TO ENGAGE IN ACTIVITIES WITH THE MINOR THAT WOULD BE UNLAWFUL FOR THE PERSON TO ENGAGE IN UNDER § 3–304 OR § 3–307 OF THIS SUBTITLE OR § 11–303, § 11–304, § 11–305, § 11–306, OR § 11–307 OF THIS ARTICLE.

(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

- (1) originated in the State; or
- (2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) FOR A FIRST OFFENSE, imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.