

# HOUSE BILL 246

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CF SB 231

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By: **Delegates Pippy, Atterbeary, Arikan, Bartlett, Cardin, Cox, Crutchfield, D.M. Davis, W. Fisher, Grammer, Griffith, J. Lewis, Lopez, Malone, Shetty, and ~~Wilson~~ Wilson, and McComas**

Introduced and read first time: January 17, 2020

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Law  
12 Section 3–324  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2019 Supplement)

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

17 **Article – Criminal Law**

18 3–324.

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

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

10 (b) (1) A person may not, with the intent to commit a violation of § 3–304[, §  
11 3–306,] or § 3–307 of this subtitle or § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307  
12 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to  
13 engage in activities that would be unlawful for the person to engage in under § 3–304[, §  
14 3–306,] or § 3–307 of this subtitle or § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307  
15 of this article.

16 (2) **A PERSON MAY NOT, WITH THE INTENT TO COMMIT A VIOLATION**  
17 **OF § 3–304 OR § 3–307 OF THIS SUBTITLE OR § 11–303, § 11–304, § 11–305, § 11–306,**  
18 **OR § 11–307 OF THIS ARTICLE, KNOWINGLY SOLICIT THE CONSENT OF A PARENT,**  
19 **GUARDIAN, OR CUSTODIAN OF A MINOR, OR A ~~PERSON BELIEVED TO BE~~ LAW**  
20 **ENFORCEMENT OFFICER POSING AS A PARENT, GUARDIAN, OR CUSTODIAN OF A**  
21 **MINOR, TO ENGAGE IN ACTIVITIES WITH THE MINOR THAT WOULD BE UNLAWFUL**  
22 **FOR THE PERSON TO ENGAGE IN UNDER § 3–304 OR § 3–307 OF THIS SUBTITLE OR §**  
23 **11–303, § 11–304, § 11–305, § 11–306, OR § 11–307 OF THIS ARTICLE.**

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

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.