

Unfavorable Response to SB719

Criminal Law–Sexual Solicitation of a Minor, Human Trafficking, and Drug Distribution–Sensitive Locations

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We urge the rejection of SB719 for three very critical reasons.

The Bill would establish a new criminal law Section 3-602.3, relating to criminal solicitation of a minor and human trafficking, which would create a new criminal offense if a violation of solicitation of a minor or human trafficking statutes occurs within 5 miles of a “sensitive area” (e.g., school, park, playground, public housing facility, etc). This new offense would be a felony with a penalty of up to 15 years in prison. The sentence imposed for the offense being within 5 miles of a “sensitive area” would be independent from, and consecutive to, the penalty imposed for violation of the underlying solicitation or trafficking offense. This bill also would extend the penalty enhancement for distribution of controlled substances in “sensitive areas” from the current 1,000 feet (~0.2 miles) to 5 miles.

First, to suggest that **a 5-mile radius** from an offense is within a “sensitive area” due to its proximity to a school, park or otherwise **strains credulity to the breaking point**. Here are two examples:

- A drug deal takes place at a fast-food restaurant north of Gaithersburg, MD. Richard Montgomery High School, Rockville, MD is 4.7 miles from the fast-food restaurant and thus would be designated a sensitive area resulting in enhancement of penalties for the drug offense.ⁱⁱ
- A solicitation offense takes place near a home in Brooklyn Park, MD. The penalty for the offense would be enhanced because the home is 4.4 miles from Patterson Park (a public park) in Fells Point, even though between the two locations are two branches of the Patapsco River and the Fort McHenry National Monument.

Second, this bill would **create felonies out of misdemeanor activity** without any nexus between the offense and a “sensitive area” up to five miles away. Adult prostitution (sex trafficking of an adult) is a misdemeanor and, under the bill, would now have a separate felony penalty if the act takes place within 5 miles of a public park or pool.

Third, with a five-mile radius around all the locations in the bill, **the penalty enhancement would effectively apply to EVERY solicitation, trafficking, or distribution offense in the state**. The map on page two shows a 5 mile radius around ONLY elementary and secondary schools plus colleges and universities in Baltimore, as an example.

The creation of a new felony with an independent and consecutive punishment for activities that take place 5 miles from a “sensitive area” is arbitrary and FAIR urges rejection of SB719.

Sincerely,



Brenda V. Jones, Executive Director
Families Advocating Intelligent Registries

ⁱ The Title of the Controlled Dangerous Substances law sought to be amended here is Criminal Law Section 5-627 – “Controlled Dangerous Substance Near School.” (Emphasis Added)

ⁱⁱ Existing law calls for a “sensitive area” enhancement if the drug offense takes place within 1,000 feet of a school.

Map of Baltimore Showing a 5-mile radius around Elementary and Secondary Schools, Colleges and Universities

