

# **legislative support for sexual solicitation of a minor.pdf**

Uploaded by: Anastasia Prigge

Position: FAV

# OFFICE OF THE STATE'S ATTORNEY

**ANNE COLT LEITESS**  
State's Attorney



**BRIAN A. MARSH**  
**JESSICA DAIGLE**  
Deputy State's Attorneys

**ANNE ARUNDEL COUNTY, MARYLAND**

January 19, 2024

The Honorable Luke Clippinger  
Chairman, House Judiciary Committee  
6 Bladen Street  
Annapolis, MD 21401

Dear Chairman Clippinger and Members of the Judiciary Committee:

On behalf of the Maryland State's Attorney's Association, and the Anne Arundel County Office of the State's Attorney, I write in support of HB0099—Criminal Law—Sexual Solicitation of a Minor Through Child Pornography-Prohibition. I am the Chief of the Special Victims Division for the Anne Arundel County State's Attorney's Office and a Leadership Team Member of the Anne Arundel County Child Advocacy Center's Multidisciplinary Team as well as a member of the Anne Arundel County Sexual Assault Response Team. I am also a member of the Maryland State's Attorneys Association's Special Victims Legislative Subcommittee. Finally, I was Chief of the Juvenile Division at the State's Attorney's Office five years prior to becoming the SVU Chief, so I have long been familiar with issues plaguing vulnerable teenage girls.

My office has prosecuted numerous cases in conjunction with trained Maryland State Troopers assigned to the Maryland Internet Crimes Against Children Task Force, which is a federally funded project designed to respond to and investigate complaints of online sexual child exploitation. The Troopers work very closely with our Office, as it is typical to review the evidence prior to any ground operations. The Troopers, on their own or partnered with sister law enforcement agencies, pose as minor children who end up communicating online with sexual predators who are targeting children for the purpose of engaging in sexual activity. It is a most common practice for the online predator to encourage the purported youth to manufacture CSAM (Child Sexual Abuse Material) and send it to the predator. Conversely, the predator frequently sends pictures of his own genitalia to the purported minor. It is a common part of the grooming process as ultimately the predator wishes to engage in actual sexual conduct with a minor. Many times, I have seen cases where there is an attempt to trade CSAM between a predator and a law enforcement officer posing as a minor.

HB0099 would prohibit an individual from knowingly and with certain intent solicit a minor or law enforcement posing as a minor to engage in certain prohibited activities, including Sexual Solicitation of a Minor through Child Pornography. We wholeheartedly support the enactment of this bill into law. These cases are so important. We have seen instances where a later download of the predator's electronic devices reveals not only requests to trade CSAM, but cases where the predator has sent photos of his genitalia to a law enforcement officer posing as a minor. In addition, in several situations after arrest, a forensic download of a suspect's devices has located actual victims where sexual contact occurred. In one case, a predator was communicating with a real minor soliciting her to have sex while he was on bond for a Sexual Solicitation of a Minor charges.

The great Nelson Mandela once said, “The true character of a society is revealed in how it treats its children.” HB0099 would criminalize pedophilic behavior of those soliciting children or law enforcement posing as children for pornographic material, which would be a valuable tool for prosecutors across the State to utilize. I respectfully request a favorable report on HB0005.

Sincerely,

s/s Anastasia T. Prigge  
Chief-Special Victim’s Division  
Assistant State’s Attorney

# **Letter Solicitations of Minors HB.pdf**

Uploaded by: Essita Duncan

Position: FAV



www.marylandwomen.org

# Maryland Commission for Women

A Commission of the Maryland Department of Human Services

51 Monroe Street, Ste. 1034 – Rockville, Maryland 20850  
240-306-5718  
www.marylandwomen.org

January 19, 2024

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The Honorable Luke Clippinger, Chair  
The Honorable J. Sandy Bartlett, Vice Chair  
House Judiciary Committee  
House Office Building Room 101  
Annapolis, MD 21401 – 1991

Re: HB0099 –Criminal Law-Sexual Solicitation of a Minor Through Child Pornography

Dear Delegates Clippinger and Bartlett and Members of the House Judiciary Committee:

The Maryland Commission for Women (MCW) urges your support of HB 99, which would prohibit solicitations of minors to engage in various sexual acts as further detailed in the bill. The MCW believes that this legislation would help protect all children and particularly vulnerable girls.

The MCW was established in 1965 and was set in state law in 1971. An office of the Department of Human Services, the Commission is a 25-member advisory board whose duties outlined in its enabling legislation include: study the status of women in our state, recommend methods of overcoming discrimination, recognize women's accomplishments and contributions, and provide informed advice to the executive and legislative branches of government on the issues concerning the women of our state. It is to fulfill this mandate that the Commission writes to you today.

Online solicitations of minors is of great concern to the MCW. As reported in [https://www.justice.gov/d9/2023-06/child\\_sexual\\_abuse\\_material\\_2.pdf](https://www.justice.gov/d9/2023-06/child_sexual_abuse_material_2.pdf):

- Children are being exposed to solicitation pressures at younger ages.
- On-line interactions have different boundaries than in-person interactions.
- There are obstacles, including shaming of victims, that prevent children from seeking help.

In our view, Law Enforcement needs additional tools to address these concerns and this societal problem of sexual solicitation of minors. HB 99 would provide Law Enforcement with needed additional tools. We strongly urge your support of HB 99.

With very best regards,

A handwritten signature in black ink, appearing to read "Tawanda A. Bailey". The signature is fluid and cursive, with the first name being the most prominent.

Tawanda A. Bailey, Chair  
Maryland Commission for Women

*(The positions expressed in this letter are those of the Commission for Women and do not necessarily reflect the position of the Governor or the Department of Human Services.)*

# **MLAW Testimony - HB99 - Criminal Law – Sexual Soli**

Uploaded by: Jessica Morgan

Position: FAV



Bill No: HB99  
Title: Criminal Law – Sexual Solicitation of a Minor Through Child Pornography – Prohibition  
Committee: Judiciary  
Hearing: January 23, 2024  
Position: SUPPORT

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The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **HB99 - Criminal Law – Sexual Solicitation of a Minor Through Child Pornography – Prohibition** is a priority on the **2024 MLAW Agenda** and we urge your support.

HB99 would expand expands the definition of sexual solicitation of a minor to include production of child pornography.

Online sexual exploitation of female children has increasing tremendously. The proliferation of phones and technology has moved predatory sexual offenders online. In 2022 alone, the National Center for Missing and Exploited Children received 32 million CyberTipline reports of suspected online child sexual abuse – this is a nearly 8,000% increase from 2012. Predators meet children online and ask them to produce sexual images and videos of themselves. Offenders send minors pornography, explicit instructions, and in some cases, they send sex toys for the minor to utilize in the photo and videos. This conduct is currently not prohibited in the current 3-324 statute.

Adding 11-207 Production of Child Pornography to the listed prohibited offenses in 3-324 Sexual Solicitation of a Minor will enable law enforcement to hold offenders accountable and protect female children that are being victimized online.

**For these reasons, MLAW strongly urges the passage of HB99.**



**HB 99 - WLCMD - FAV.pdf**

Uploaded by: Laure Ruth

Position: FAV

BILL NO: House Bill 99  
TITLE: Criminal Law – Sexual Solicitation of a Minor Through Child Pornography –  
Prohibition  
COMMITTEE: Judiciary  
HEARING DATE: January 24, 2024  
POSITION: **SUPPORT**

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House Bill 99 would expand the existing crime of sexual solicitation of a minor (§ 3-324 of the Criminal Law Article) by prohibiting a person from committing the crime of sexual solicitation of a minor with the intent to commit a violation of the prohibition against production or distribution of child pornography (§ 11-207 of the Criminal Law Article). The Women's Law Center supports this bill as a necessary and reasonable response to this behavior that has become a prevalent part of exploitation of minors on-line.

Sex offenders are increasingly using technology to groom children and persuade them to create sexual images of themselves. A study in the UK found online grooming crimes continue to climb and have jumped by more than 80% in four years, <https://www.nspcc.org.uk/about-us/news-opinion/2022/online-grooming-crimes-rise/>. Children in the US face similarly high rates of on-line solicitation. This often includes interacting with children via social media, apps, and games, and the creation of sexual images. Current law prohibits some of the activities of these offenders, but gaps remain. House Bill 99 helps close a remaining loophole.

Maryland's current sexual solicitation of a minor law addresses an offender soliciting a child to violate a list of sex crimes and trafficking laws. The current law also permits prosecution when an offender solicits a parent or guardian of the child to commit one of the listed sexual crimes. Finally, if an offender solicits a law enforcement officer posing as a child or posing as the parent or guardian of a child, the offender can be convicted. However, HB 99 is particularly important because the child pornography law does not cover solicitation to a parent or guardian or to a law enforcement officer posing as a parent, guardian or child.

House Bill 99 will not affect current protections for teens involved in sexting. The statute addressing this issue, Courts & Judicial Proceedings § 3–8A–35 specifically addresses §11-207 and diverts cases involving sexting.

**The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.**

**solicitation of a minor - CP - testimony - house -**

Uploaded by: Lisae C Jordan

Position: FAV



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**Working to end sexual violence in Maryland**

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P.O. Box 8782  
Silver Spring, MD 20907  
Phone: 301-565-2277  
www.mcasa.org

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544

**Testimony Supporting House Bill 99**  
**Lisae C. Jordan, Executive Director & Counsel**  
January 23, 2024

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judiciary Committee to report favorably on House Bill 99.

**House Bill 99 – Sexual Solicitation of a Minor – Images of Child Sexual Abuse  
(Child Pornography)**

This bill would update Maryland's sexual solicitation of a minor statute to include a solicitation to violate child pornography laws, Criminal Law §11-207.

Since the pandemic, sex offenders are increasingly using technology to groom children and persuade them to create sexual images of themselves. A study in the UK found online grooming crimes continue to climb and have jumped by more than 80% in four years, <https://www.nspcc.org.uk/about-us/news-opinion/2022/online-grooming-crimes-rise/>. Children in the US face similarly high rates of on-line solicitation. This often includes interacting with children via social media, apps, and games, and the creation of sexual images. Current law prohibits some of the activities of these offenders, but gaps remain. House Bill 99 helps close a remaining loophole.

Maryland's current sexual solicitation of a minor law is structured to address an offender soliciting a child to violate a list of sex crimes and trafficking laws. The current law also permits prosecution when an offender solicits a parent or guardian of the child to commit one of the listed sexual crimes. Finally, if an offender solicits a law enforcement officer posing as a child or posing as the parent or guardian of a child, the offender can be convicted. This piece of the statute is particularly important because the child pornography law does not cover solicitation to a parent or guardian or to a law enforcement officer posing as a parent, guardian or child.

House Bill 99 will not affect current protections for teens involved in sexting. The statute addressing this issue, Courts & Judicial Proceedings § 3-8A-35 specifically addresses §11-207 and diverts cases involving sexting.

**The Maryland Coalition Against Sexual Assault urges the  
Judiciary Committee to  
report favorably on House Bill 99**

# **HB 0099- Favorable Report.pdf**

Uploaded by: Rebecca Cordero

Position: FAV

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January 19, 2024

The Honorable Luke Clippinger  
Chairman, House Judiciary Committee  
6 Bladen Street  
Annapolis, MD 21401

RE: HB0099

Dear Chairman Clippinger:

I am a prosecutor in Calvert County, in charge of the Child Abuse, Child Exploitation, and Sexual Assault cases. I have been a prosecutor for the past 20 years. I write to you today in support of HB0099, Sexual Solicitation of a Minor through Child Pornography.

Currently, the statute for Sexual Solicitation of a Minor (3-324) is only applicable when an offender solicits a minor child (or undercover officer) for sexual acts or trafficking. It does not cover those instances where an offender contacts a minor to ask for child pornography. Solicitation of Child Pornography *can* be charged under 11-207, but because this statute covers so many different acts<sup>i</sup>, it would make more sense legally to add the solicitation of Child Pornography to the Sexual Solicitation of a Minor Statute.

Additionally, the Sexual Solicitation of a Minor statute as it currently reads does not apply to Solicitation of Child Pornography involving law enforcement officers posing as a minor. This is another loophole in the law that HB0099 would rectify. An offender soliciting photos from an undercover officer cannot be charged under 11-207.

I have had many cases of this nature during my career, but one in particular involved an offender soliciting a child on Facebook Messenger. The child's father saw the messages and brought it to the attention of law enforcement. The Detective was able to pose as the minor and continue to respond to the messages, but because the offender was only asking for nude photos and videos from the undercover officer, there was not enough to charge him. House bill 99 would fix that gap in the law.

Because of Social Media platforms and Online Gaming, children are more vulnerable than ever to online predators. We need to have all of the tools possible to hold these offenders accountable. I strongly urge this Committee to issue a favorable report on HB0099.

Sincerely,

*Rebecca Cordero*

Rebecca Cordero  
Senior Assistant State's Attorney  
Calvert County State's Attorney's Office

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<sup>i</sup> "knowingly promote, advertise, solicit, distribute, or possess with the intent to distribute any matter, visual representation, or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct". Criminal Law Article 11-207.

# **HB99 written testimony.pdf**

Uploaded by: Sarah Proctor

Position: FAV

# OFFICE OF THE STATE'S ATTORNEY

JAYMI STERLING  
STATE'S ATTORNEY



CIRCUIT COURT  
DIVISION

ST. MARY'S COUNTY, MARYLAND

DATE: January 19, 2024

BILL NUMBER: HB 99

POSITION: Favorable

The St. Mary's County State's Attorney's Office supports HB 99.

HB 99 seeks to amend Criminal Law Article 3-324; Sexual Solicitation of a Minor, to include the crime of Criminal Law Article 11-207; Child Pornography, as a criminal act of soliciting a minor.

As a prosecutor for over 20 years, there have been many cases, especially in the last 10 years with advances in technology and the progression of social media, in which a person solicits the minor to engage in child pornography. Amending 3-324 to include CL 11-207 Child Pornography, directly and clearly demonstrates the intent to protect children against all types of abuse. Soliciting children to send photographs, videos, images of themselves engaged in sexual conduct should be aligned with the other criminal law violations which protect children from sexual abuse already in effect in CL 3-324.

Amending CL 3-324, also gives Law Enforcement an additional tool to be proactive in protecting children before any sexual abuse can occur. Protecting children from the harm of sexual abuse should be a priority for all. By including CL 11-207 in the amendment to CL 3-324, the goal would be allowing Law Enforcement to catch sexual predators targeting children prior to any abuse occurring to an actual child. Law Enforcement will now be able to target those predators on social media, or those using our advances in technology (encryptions) as a predatory means to abuse children once CL 3-324 is amended to include CL 11-207.

*Sarah Proctor*

Sarah F Proctor  
Chief of Special Victims Unit  
For St. Mary's County State's Attorney Office





**2024-01-23 - HB99 (Support).pdf**

Uploaded by: Tiffany Clark

Position: FAV

**CANDACE MCLAREN LANHAM**  
*Chief Deputy Attorney General*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**LEONARD HOWIE**  
*Deputy Attorney General*



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**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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January 23, 2024

**TO:** The Honorable Luke Clippinger  
Chair, Judiciary Committee

**FROM:** Tiffany Johnson Clark  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** House Bill 99 – Criminal Law – Sexual Solicitation of a Minor Through  
Child Pornography – Prohibition - **Favorable**

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The Office of Attorney General urges this Committee to favorably report House Bill 99 sponsored by Delegate Sandy Bartlett. This bill expands the existing crime of sexual solicitation of a minor by prohibiting a person from committing the crime of sexual solicitation of minor with the intent to commit a violation of the prohibition against production or distribution of child pornography.

This type of legislation would strengthen the State's ability to protect the most vulnerable of Marylanders – our children. For the foregoing reasons, the Office of the Attorney General urges a favorable report of House Bill 99.

cc: Delegate Sandy Bartlett