

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**

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.