

SENATE BILL 113

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(PRE-FILED)

4r1179
CF HB 99

By: ~~Senator Kelly~~ **Senators Kelly, Smith, Waldstreicher, Carter, McKay, Charles, Sydnor, West, Muse, Folden, and James**

Requested: October 26, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 12, 2024

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Sexual Solicitation of a Minor Through Child Pornography –**
3 **Prohibition**

4 FOR the purpose of prohibiting an individual from knowingly and with a certain intent
5 soliciting a minor or law enforcement officer posing as a minor to engage in certain
6 prohibited sexual acts with the minor by a certain means; and generally relating to
7 sexual solicitation of a minor.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–324
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Law
15 Section 11–207(a)
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2023 Supplement)

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

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.



Article – Criminal Law

1
2 3–324.

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

5 (1) in person;

6 (2) through an agent or agency;

7 (3) over the telephone;

8 (4) through any print medium;

9 (5) by mail;

10 (6) by computer or Internet; or

11 (7) by any other electronic means.

12 (b) (1) A person may not, with the intent to commit a violation of § 3–304 or §
13 3–307 of this subtitle or **§ 11–207**, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of
14 this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to
15 engage in activities that would be unlawful for the person to engage in under § 3–304 or §
16 3–307 of this subtitle or **§ 11–207**, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of
17 this article.

18 (2) A person may not, with the intent to commit a violation of § 3–304 or §
19 3–307 of this subtitle or **§ 11–207**, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of
20 this article, knowingly solicit the consent of a parent, guardian, or custodian of a minor, or
21 a law enforcement officer posing as a parent, guardian, or custodian of a minor, to engage
22 in activities with the minor that would be unlawful for the person to engage in under §
23 3–304 or § 3–307 of this subtitle or **§ 11–207**, § 11–303, § 11–304, § 11–305, § 11–306, or §
24 11–307 of this article.

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

27 (1) originated in the State; or

28 (2) is received in the State.

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

1 (1) for a first offense, imprisonment not exceeding 10 years or a fine not
2 exceeding \$25,000 or both; and

3 (2) for a second or subsequent offense, imprisonment not exceeding 20
4 years or a fine not exceeding \$50,000 or both.

5 11–207.

6 (a) A person may not:

7 (1) cause, induce, solicit, or knowingly allow a minor to engage as a subject
8 in the production of obscene matter or a visual representation or performance that depicts
9 a minor engaged as a subject in sadomasochistic abuse or sexual conduct;

10 (2) photograph or film a minor engaging in an obscene act, sadomasochistic
11 abuse, or sexual conduct;

12 (3) use a computer to depict or describe a minor engaging in an obscene act,
13 sadomasochistic abuse, or sexual conduct;

14 (4) knowingly promote, advertise, solicit, distribute, or possess with the
15 intent to distribute any matter, visual representation, or performance:

16 (i) that depicts a minor engaged as a subject in sadomasochistic
17 abuse or sexual conduct; or

18 (ii) in a manner that reflects the belief, or that is intended to cause
19 another to believe, that the matter, visual representation, or performance depicts a minor
20 engaged as a subject of sadomasochistic abuse or sexual conduct; or

21 (5) use a computer to knowingly compile, enter, transmit, make, print,
22 publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice,
23 statement, advertisement, or minor's name, telephone number, place of residence, physical
24 characteristics, or other descriptive or identifying information for the purpose of engaging
25 in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or
26 sexual conduct of or with a minor.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2024.