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By: **Charles County Delegation**  
Introduced and read first time: February 15, 2001  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Crimes - Public Indecency**

3 FOR the purpose of prohibiting a person from knowingly and intentionally appearing  
4 nude or engaging in sexual conduct in a public place in Charles County; creating  
5 certain exceptions to the prohibition; prohibiting a person who maintains, owns,  
6 or operates a public place in Charles County from knowingly, or with reason to  
7 know, allowing a person to engage in certain conduct; imposing certain  
8 penalties; defining certain terms; and generally relating to nudity in public  
9 places.

10 BY repealing and reenacting, without amendments,  
11 Article 27 - Crimes and Punishments  
12 Section 416A(d)  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 2000 Supplement)

15 BY repealing  
16 Article 27 - Crimes and Punishments  
17 Section 416G  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 2000 Supplement)

20 BY adding to  
21 Article 27 - Crimes and Punishments  
22 Section 416G and 416H  
23 Annotated Code of Maryland  
24 (1996 Replacement Volume and 2000 Supplement)

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

1 **Article 27 - Crimes and Punishments**

2 416A.

3 The following words and phrases, as used in this subheading, have the  
4 meanings indicated:5 (d) "Sexual conduct" means human masturbation, sexual intercourse, or any  
6 touching of or contact with genitals, pubic areas or buttocks of the human male or  
7 female, or the breasts of the female, whether alone or between members of the same  
8 or opposite sex, or between humans and animals.

9 [416G.

10 Any person, firm or corporation which violates the provisions of this subtitle  
11 shall, upon conviction, be subject to a fine of up to one thousand dollars (\$1,000) or  
12 imprisonment for up to six (6) months.]

13 416G.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
15 INDICATED.

16 (2) "NUDE" MEANS:

17 (I) LESS THAN COMPLETELY AND OPAQUELY COVERED HUMAN  
18 GENITALS, PUBIC REGION, BUTTOCKS, OR FEMALE BREAST BELOW A POINT  
19 IMMEDIATELY ABOVE THE TOP OF THE AREOLA; OR20 (II) A DEVICE, COSTUME, OR COVERING WHICH GIVES THE  
21 APPEARANCE OF OR SIMULATES THE GENITALS, PUBIC REGION, BUTTOCKS, OR  
22 FEMALE BREAST.

23 (3) "PUBLIC PLACE" MEANS A PLACE OPEN TO THE GENERAL PUBLIC.

24 (B) THIS SECTION APPLIES ONLY IN CHARLES COUNTY.

25 (C) A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY IN A PUBLIC  
26 PLACE:

27 (1) ENGAGE IN SEXUAL CONDUCT; OR

28 (2) APPEAR NUDE.

29 (D) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO:

30 (1) A CHILD UNDER THE AGE OF 10 YEARS; OR

31 (2) A MOTHER IN THE ACT OF NURSING AN INFANT UNDER THE AGE OF  
32 2 YEARS.

1 (E) A PERSON THAT MAINTAINS, OWNS, OR OPERATES A PUBLIC PLACE MAY  
2 NOT KNOWINGLY, OR WITH REASON TO KNOW, ALLOW AN INDIVIDUAL TO VIOLATE  
3 SUBSECTION (C) OF THIS SECTION.

4 416H.

5 (A) A PERSON WHO VIOLATES A PROVISION OF §§ 416B THROUGH 416F OF THIS  
6 SUBHEADING IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A  
7 FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR  
8 BOTH.

9 (B) A PERSON WHO VIOLATES A PROVISION OF § 416G OF THIS SUBHEADING IS  
10 GUILTY OF A MISDEMEANOR AND ON CONVICTION:

11 (1) FOR A FIRST OFFENSE IS SUBJECT TO A FINE NOT EXCEEDING \$1,000  
12 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; AND

13 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IS SUBJECT TO A FINE  
14 NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2001.