

SENATE BILL 488

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2001 Regular Session  
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By: **Senators Stone and Hughes (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 28, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crimes - Prostitution and Related Crimes - Revision**

3 FOR the purpose of revising and restating the laws concerning prostitution and  
4 related crimes; repealing provisions related to abducting individuals under a  
5 certain age, bawdyhouses, prostitution, pandering, and transportation for  
6 immoral purposes; providing that a person who is charged with certain  
7 prostitution and related crimes may also be prosecuted and sentenced for  
8 violating any other applicable law; prohibiting certain actions relating to certain  
9 sexual acts, compelled marriages, prostitution, or assignation; prohibiting a  
10 person from receiving or acquiring money or proceeds of a person engaged in  
11 prostitution under certain circumstances; prohibiting certain actions relating to  
12 individuals under a certain age for certain purposes under certain  
13 circumstances; allowing warrantless arrests for certain prostitution and related  
14 crimes under certain circumstances; providing for the registration of certain  
15 persons convicted of certain prostitution and related crimes under certain  
16 circumstances; expanding provisions of law concerning AIDS education for  
17 persons convicted of certain prostitution and related crimes; establishing certain  
18 penalties; providing that certain Committee Notes are not law; defining certain  
19 terms; and generally relating to prostitution and related crimes.

20 BY repealing

21 Article 27 - Crimes and Punishments

22 Section 1; 15, 15A, 16, and 17 and the subheading "Bawdyhouses and Houses of

23 Ill Fame; Prostitution, Etc."; 426 through 433 and the subheading

24 "Pandering"; and 574 and 575 and the subheading "Transportation for

25 Immoral Purposes"

26 Annotated Code of Maryland

1 (1996 Replacement Volume and 2000 Supplement)

2 BY adding to

3 Article 27 - Crimes and Punishments

4 Section 426 through 431 to be under the new subheading "Prostitution and

5 Related Crimes"

6 Annotated Code of Maryland

7 (1996 Replacement Volume and 2000 Supplement)

8 BY repealing and reenacting, without amendments,

9 Article 27 - Crimes and Punishments

10 Section 461(e), (f), and (g)

11 Annotated Code of Maryland

12 (1996 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article - Criminal Procedure

15 Section 2-203(a)

16 Annotated Code of Maryland

17 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

18 BY repealing and reenacting, with amendments,

19 Article - Criminal Procedure

20 Section 2-203(b)(8) and (9) and 11-701(d)(1) and (6)

21 Annotated Code of Maryland

22 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

23 BY adding to

24 Article - Criminal Procedure

25 Section 2-203(b)(10)

26 Annotated Code of Maryland

27 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

28 BY repealing and reenacting, with amendments,

29 Article - Health - General

30 Section 18-339

31 Annotated Code of Maryland

32 (2000 Replacement Volume)

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

34 MARYLAND, That the Laws of Maryland read as follows:

1

**Article 27 - Crimes and Punishments**

2 [1.

3 Any person who shall, for purposes of prostitution, fornication or concubinage,  
4 forcibly abduct from his or her home or usual place of abode or from the custody and  
5 control of his or her parent or parents or guardian any individual under the age of 16,  
6 or be accessory thereto, or who shall for said purpose persuade or entice from his or  
7 her usual place of abode, or from the custody and control of his or her parent or  
8 parents or guardian, any such individual, or be accessory thereto, or shall knowingly  
9 secrete or harbor any such individual so abducted, persuaded or enticed as aforesaid,  
10 against the consent of his or her parent or parents or guardian, or the person or  
11 persons who may have the temporary care, custody or control of such individual, or be  
12 accessory thereto, upon conviction, is guilty of a misdemeanor and shall undergo  
13 imprisonment, in the discretion of the court, not exceeding the term of eight years.  
14 Nothing contained in this section shall apply to cases pending nor to violations of the  
15 law which have heretofore occurred, but all such cases and violations shall be  
16 prosecuted as if the law hereby repealed were still in force.]

17 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): For current  
18 provisions of law concerning child abduction for purposes of prostitution and sexual  
19 offenses, see § 430 of this article.

20 [Bawdyhouses and Houses of Ill Fame; Prostitution, Etc.]

21 [15.

22 It shall be unlawful:

23 (a) To keep, set up, maintain or operate any place, structure, building or  
24 conveyance for the purpose of prostitution, lewdness or assignation;

25 (b) To occupy any place, structure, building or conveyance for the purpose of  
26 prostitution, lewdness or assignation, or for any person to permit any place, structure,  
27 building or conveyance owned by him or under his control to be used for the purpose  
28 of prostitution, lewdness or assignation with knowledge or reasonable cause to know  
29 that the same is, or is to be, used for such purpose;

30 (c) To receive, or to offer or agree to receive any person into any place,  
31 structure, building or conveyance for the purpose of prostitution, lewdness or  
32 assignation, or to knowingly permit any person to remain there for such purpose;

33 (d) To direct, take or transport, or to offer or agree to take or transport, any  
34 person to any place, structure or building or to any other person with knowledge or  
35 reasonable cause to know that the purpose of such directing, taking or transporting is  
36 prostitution, lewdness or assignation;

37 (e) To procure or to solicit or to offer to procure or solicit for the purpose of  
38 prostitution, lewdness or assignation;

1 (f) To reside in, enter in any place, structure, building, or to remain in any  
2 conveyance, for the purpose of prostitution, lewdness or assignation; or

3 (g) To engage in prostitution, lewdness or assignation by any means  
4 whatsoever.]

5 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): For current  
6 provisions of law relating to prostitution and related crimes, see §§ 426 through 431 of  
7 this article.

8 [15A.

9 In addition to any penalty imposed under this subheading, a court may require  
10 any person who pleads guilty or nolo contendere to, or who is found guilty of, violating  
11 any provision of this subheading and who the judge believes will attend and benefit  
12 from the educational program on acquired immune deficiency syndrome (AIDS)  
13 developed under § 18-339 of the Health - General Article to complete the program.]  
14 [16.

15 The term "prostitution" shall be construed to mean the offering or receiving of  
16 the body for sexual intercourse for hire. The term "lewdness" shall be construed to  
17 mean any unnatural sexual practice. The term "assignation" shall be construed to  
18 include the making of any appointment, or engagement for prostitution or lewdness  
19 or any act in furtherance of such appointment or engagement.]

20 [17.

21 Any person convicted of violating any of the provisions of § 15 of this article shall  
22 be subject to a fine of not more than \$500.00 or to confinement in or commitment to  
23 any penal or reformatory institution in this State for not more than one year, or to  
24 both such fine and imprisonment in the discretion of the court; provided, that the  
25 sentence or any part thereof may be suspended and provided that the defendant may  
26 be placed on parole or probation.]

27 [Pandering]

28 [426.

29 Any person who takes, places, harbors, inveighs, entices, persuades, encourages,  
30 either by threats or promise, or by any device or scheme takes or places, or causes to  
31 be taken or placed, any other person to any place against his or her will, for the  
32 purpose of prostitution or illegal sexual intercourse, or takes or detains any other  
33 person unlawfully against his or her will, with the intent to compel him or her by  
34 force, threats, persuasions, menace or duress, to marry him or her, or to marry any  
35 other person, or to be defiled, or any person who, being parent, guardian or having  
36 legal charge of another person, consents to his or her taking or detention by any  
37 person for the purpose of prostitution or illegal sexual intercourse, is guilty of  
38 pandering, and upon conviction shall be punished by imprisonment for a term not  
39 more than 12 years, and fined not more than \$5,000, in the discretion of the court.]

1 [427.

2 Any person who shall place any person in the charge or custody of anyone for  
3 immoral purposes, or in a house of prostitution with the intent that he or she shall  
4 live a life of prostitution, or any person who shall compel any person to reside with  
5 him or her or with any other person for immoral purposes, or for the purpose of  
6 prostitution, or compel him or her to live a life of prostitution, is guilty of pandering,  
7 and upon conviction shall be punished by a fine of not less than \$1,000 and  
8 imprisoned not more than ten years.]

9 [428.

10 Any person who shall receive any money or other valuable thing for or on  
11 account of procuring for or placing in a house of prostitution or elsewhere, any person  
12 for the purpose of causing him or her to engage in prostitution, lewdness, or  
13 assignation with any person or persons, shall be guilty of a felony, and upon  
14 conviction thereof shall be imprisoned for not more than ten years.]

15 [429.

16 Any person who, by force, fraud, intimidation or threats, places or leaves, or  
17 procures any other person or persons to place or leave his or her spouse in a house of  
18 prostitution or to lead a life of prostitution, shall be guilty of a felony, and upon  
19 conviction thereof shall be imprisoned for not more than ten years.]

20 [430.

21 Any person or persons who knowingly receive any money or other valuable thing  
22 "without lawful, actual bona fide consideration" from the earnings of any person  
23 engaged in prostitution shall be guilty of a felony, and upon conviction thereof shall be  
24 imprisoned for not more than ten years.]

25 [431.

26 Any person or persons who attempt to detain another person in a disorderly  
27 house or house of prostitution because of any debt or debts he or she has contracted or  
28 is said to have contracted while living in the house, shall be guilty of a felony, and on  
29 conviction thereof shall be imprisoned for not more than 12 years.]

30 [432.

31 Any person who shall knowingly transport or cause to be transported or aid or  
32 assist in obtaining transportation for, by any means of conveyance, through or across  
33 this State, any person for the purpose of prostitution, or with the intent and purpose  
34 to induce, entice or compel the person to become a prostitute, shall be deemed guilty  
35 of a felony, and upon conviction thereof shall be imprisoned for not more than ten  
36 years; any person who may commit the crime in this section mentioned may be  
37 prosecuted, indicted, tried and convicted in any county or city in or through which he  
38 shall so transport or attempt to transport the other person.]

1 [433.

2 This subtitle may not abrogate or affect any existing law defining or prohibiting  
3 the crime of abduction or rape in any degree as contained in §§ 1, 2, 462, and 463 of  
4 this article.]

5

#### PROSTITUTION AND RELATED CRIMES

6 426.

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) "ASSIGNATION" MEANS THE MAKING OF ANY APPOINTMENT OR  
10 ENGAGEMENT FOR PROSTITUTION OR ANY ACT IN FURTHERANCE OF THE  
11 APPOINTMENT OR ENGAGEMENT.

12 (C) "PROSTITUTION" MEANS THE PERFORMANCE OF A SEXUAL ACT, SEXUAL  
13 CONTACT, OR VAGINAL INTERCOURSE FOR HIRE.

14 (D) "SEXUAL ACT," "SEXUAL CONTACT," AND "VAGINAL INTERCOURSE" HAVE  
15 THE MEANINGS STATED IN § 461 OF THIS ARTICLE.

16 (E) "SOLICIT" MEANS URGING, ADVISING, INDUCING, ENCOURAGING,  
17 REQUESTING, OR COMMANDING ANOTHER PERSON.

18 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): Former Article  
19 27, § 15A allowed a court to order a person found guilty of a prostitution offense to  
20 participate in an acquired immune deficiency (AIDS) educational program. This  
21 revision eliminates this specific provision on the grounds that it is redundant with the  
22 general authority of a court to order this as a condition of probation.

23 427.

24 A PERSON CHARGED WITH A CRIME UNDER THIS SUBTITLE MAY ALSO BE  
25 PROSECUTED AND SENTENCED FOR VIOLATING ANY OTHER APPLICABLE LAW.

26 428.

27 (A) A PERSON MAY NOT KNOWINGLY:

28 (1) TAKE OR CAUSE TO BE TAKEN ANOTHER PERSON TO ANY PLACE FOR  
29 PROSTITUTION;

30 (2) PLACE, CAUSE TO BE PLACED, OR HARBOR ANOTHER PERSON IN ANY  
31 PLACE FOR PROSTITUTION;

32 (3) PERSUADE OR ENCOURAGE BY THREAT OR PROMISE ANOTHER  
33 PERSON TO BE TAKEN TO OR PLACED IN ANY PLACE FOR PROSTITUTION;

1 (4) UNLAWFULLY TAKE OR DETAIN ANOTHER PERSON WITH THE  
2 INTENT TO USE FORCE, THREAT, OR PERSUASION TO COMPEL THE OTHER PERSON  
3 TO MARRY THE PERSON OR A THIRD PERSON OR PERFORM A SEXUAL ACT, SEXUAL  
4 CONTACT, OR VAGINAL INTERCOURSE; OR

5 (5) RECEIVE CONSIDERATION TO PROCURE FOR OR PLACE IN A HOUSE  
6 OF PROSTITUTION OR ELSEWHERE ANOTHER PERSON WITH THE INTENT OF  
7 CAUSING THE OTHER PERSON TO ENGAGE IN PROSTITUTION OR ASSIGNATION.

8 (B) A PARENT, GUARDIAN, OR PERSON WHO HAS PERMANENT OR TEMPORARY  
9 CARE OR CUSTODY OR RESPONSIBILITY FOR SUPERVISION OF ANOTHER PERSON  
10 MAY NOT CONSENT TO THE TAKING OR DETENTION OF THE OTHER PERSON FOR  
11 PROSTITUTION.

12 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE  
13 MISDEMEANOR OF PANDERING AND ON CONVICTION IS SUBJECT TO IMPRISONMENT  
14 IN THE PENITENTIARY NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$5,000  
15 OR BOTH.

16 (D) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED, TRIED, AND  
17 SENTENCED IN ANY COUNTY IN OR THROUGH WHICH THE PERSON TRANSPORTED  
18 OR ATTEMPTED TO TRANSPORT THE OTHER PERSON.

19 429.

20 (A) A PERSON MAY NOT RECEIVE OR ACQUIRE MONEY OR PROCEEDS FROM  
21 THE EARNINGS OF A PERSON ENGAGED IN PROSTITUTION WITH THE INTENT TO:

22 (1) PROMOTE A CRIME UNDER THIS SUBTITLE;

23 (2) PROFIT FROM A CRIME UNDER THIS SUBTITLE; OR

24 (3) CONCEAL OR DISGUISE THE NATURE, LOCATION, SOURCE,  
25 OWNERSHIP, OR CONTROL OF MONEY OR PROCEEDS OF A CRIME UNDER THIS  
26 SUBTITLE.

27 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
28 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT IN THE PENITENTIARY NOT  
29 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

30 430.

31 (A) FOR PURPOSES OF PROSTITUTION OR COMMITTING A CRIME UNDER THE  
32 SEXUAL OFFENSES SUBHEADING OF THIS ARTICLE, A PERSON MAY NOT:

33 (1) PERSUADE OR ENTICE OR AID IN THE PERSUASION OR ENTICEMENT  
34 OF A PERSON UNDER THE AGE OF 16 YEARS FROM THE PERSON'S HOME OR FROM  
35 THE CUSTODY OF THE PERSON'S PARENT OR GUARDIAN; OR

1 (2) KNOWINGLY SECRETE OR HARBOR OR AID IN THE SECRETING OR  
2 HARBORING OF A PERSON UNDER THE AGE OF 16 YEARS WHO HAS BEEN PERSUADED  
3 OR ENTICED IN THE MANNER DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

4 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
5 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT IN THE PENITENTIARY NOT  
6 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

7 431.

8 (A) A PERSON MAY NOT KNOWINGLY:

9 (1) ENGAGE IN PROSTITUTION OR ASSIGNATION BY ANY MEANS;

10 (2) KEEP, SET UP, OCCUPY, MAINTAIN, OR OPERATE A BUILDING,  
11 STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION;

12 (3) ALLOW A BUILDING, STRUCTURE, OR CONVEYANCE OWNED OR  
13 UNDER THE PERSON'S CONTROL TO BE USED FOR PROSTITUTION OR ASSIGNATION;

14 (4) ALLOW OR AGREE TO ALLOW A PERSON INTO A BUILDING,  
15 STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION; OR

16 (5) PROCURE OR SOLICIT OR OFFER TO PROCURE OR SOLICIT FOR  
17 PROSTITUTION OR ASSIGNATION.

18 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
19 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A  
20 FINE NOT EXCEEDING \$500 OR BOTH.

21 461.

22 (e) "Sexual act" means cunnilingus, fellatio, anilingus, or anal intercourse,  
23 but does not include vaginal intercourse. Emission of semen is not required.  
24 Penetration, however slight, is evidence of anal intercourse. Sexual act also means  
25 the penetration, however slight, by any object into the genital or anal opening of  
26 another person's body if the penetration can be reasonably construed as being for the  
27 purposes of sexual arousal or gratification or for abuse of either party and if the  
28 penetration is not for accepted medical purposes.

29 (f) "Sexual contact" as used in §§ 464B and 464C, means the intentional  
30 touching of any part of the victim's or actor's anal or genital areas or other intimate  
31 parts for the purposes of sexual arousal or gratification or for abuse of either party  
32 and includes the penetration, however slight, by any part of a person's body, other  
33 than the penis, mouth, or tongue, into the genital or anal opening of another person's  
34 body if that penetration can be reasonably construed as being for the purposes of  
35 sexual arousal or gratification or for abuse of either party. It does not include acts  
36 commonly expressive of familial or friendly affection, or acts for accepted medical  
37 purposes.



1 (g) "Vaginal intercourse" has its ordinary meaning of genital copulation.  
 2 Penetration, however slight, is evidence of vaginal intercourse. Emission of semen is  
 3 not required.

4 [Transportation for Immoral Purposes]

5 [574.

6 It shall be unlawful for any person to transport or to offer to transport, or to aid  
 7 or assist in transporting any person or persons upon or over any public street, road,  
 8 highway, river, stream, bay, or other public way of any nature whatever within the  
 9 State of Maryland by means of a horse vehicle, automobile, boat, vessel, or other  
 10 means of transportation used or employed for hire, for purposes of prostitution or any  
 11 other immoral or lewd purpose. This subtitle shall only apply to public conveyances  
 12 for hire.]

13 [575.

14 Any person convicted of a violation of this subtitle shall be punished by a fine  
 15 not exceeding \$500.00 or by imprisonment not exceeding one year, or by both fine and  
 16 imprisonment within such limits. Upon conviction under this subtitle the person so  
 17 convicted shall forfeit his license to drive or operate such automobile or other vehicle  
 18 within the State of Maryland for such period of time as the court imposing the  
 19 sentence shall direct.]

20 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): For current  
 21 provisions of law relating to prostitution and related crimes, see §§ 426 through 431 of  
 22 this article.

23 **Article - Criminal Procedure**

24 2-203.

25 (a) A police officer without a warrant may arrest a person if the police officer  
 26 has probable cause to believe:

27 (1) that the person has committed a crime listed in subsection (b) of this  
 28 section; and

29 (2) that unless the person is arrested immediately, the person:

30 (i) may not be apprehended;

31 (ii) may cause physical injury or property damage to another; or

32 (iii) may tamper with, dispose of, or destroy evidence.

33 (b) The crimes referred to in subsection (a)(1) of this section are:

1 (8) the wearing, carrying, or transporting of a handgun under Article 27,  
2 § 36B of the Code; [and]

3 (9) carrying or wearing a concealed weapon under Article 27, § 36 of the  
4 Code; AND

5 (10) PROSTITUTION AND RELATED CRIMES UNDER ARTICLE 27, §§ 426  
6 THROUGH 431 OF THE CODE.

7 11-701.

8 (d) "Offender" means a person who is ordered by the court to register under  
9 this subtitle and who:

10 (1) has been convicted of violating child abduction or kidnapping  
11 statutes under Article 27, [§ 1,] § 2[, or] OR § 338 of the Code;

12 (6) has been convicted of violating ANY OF the prostitution [statute  
13 under Article 27, § 15 of the Code or any of the pandering] AND RELATED CRIMES  
14 statutes under Article 27, §§ 426 through [433] 431 of the Code if the intended  
15 prostitute OR VICTIM is under the age of 18 years;

16 **Article - Health - General**

17 18-339.

18 (a) The Secretary shall establish and conduct an educational program on  
19 acquired immune deficiency syndrome (AIDS) for persons who plead guilty or nolo  
20 contendere to, or who are found guilty of, violating:

21 (1) [Article 27, § 15 of the Code (Bawdy Houses and Houses of Ill Fame;  
22 Prostitution, Etc.)] THE PROSTITUTION AND RELATED CRIMES SUBTITLE OF ARTICLE  
23 27 OF THE CODE; or

24 (2) Any provision of the Maryland Controlled Dangerous Substances Act.

25 (b) The educational program established under subsection (a) of this section  
26 shall:

27 (1) Consist of at least 4 hours of instruction; and

28 (2) Include information on measures available to prevent the spread of  
29 acquired immune deficiency syndrome and the human immunodeficiency virus.

30 (c) (1) The individual who attends a program under this section shall pay in  
31 advance a fee as provided under this subsection.

32 (2) The Department shall set a reasonable fee based on the costs of  
33 operating the program authorized by this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Notes  
2 contained in this Act are not law.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2001.