

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 488 (Senators Stone and Hughes)
(Commission to Revise Article 27 – Crimes and Punishments)

Judicial Proceedings

Judiciary

Crimes - Prostitution and Related Crimes - Revision

This bill revises and restates the laws concerning prostitution and consolidates the laws into one subheading of Article 27. The bill repeals existing provisions of law concerning abduction of individuals under the age of 16 years for prostitution or sex-related purposes; prostitution, bawdyhouses and houses of ill fame; pandering and related crimes; and transportation for purposes of prostitution or lewdness.

In place of these provisions, the bill adds six new sections of law that are generally based on current law provisions. The bill's changes include: (1) the addition of statutory definitions for the terms "assignment," "prostitution," "sexual act," "sexual contact," "vaginal intercourse," and "solicit;" and (2) broader abduction and rape provisions such that a person charged with a crime under the prostitution subtitle may also be prosecuted and sentenced for violating any other applicable law.

Fiscal Summary

State Effect: The bill's changes should not measurably affect overall operations and finances for the Judiciary, the Office of the Public Defender, or the Division of Correction.

Local Effect: The bill's changes should not measurably affect overall local operations and finances for the circuit courts, State's Attorneys' offices, or local correctional facilities.

Small Business Effect: None.

Analysis

Current Law: Under Article 27, the crimes covered under this bill vary widely in seriousness, and subject violators to a range of maximum penalties from a fine of \$500 and/or imprisonment for one year for the misdemeanor of prostitution to an imprisonment term of life without the possibility of parole for the felony of first degree rape.

Background: The Article 27 Committee was appointed in 1991 by the Speaker and the President and charged with making both substantive and stylistic changes to the State's criminal law. The committee is composed of legislators, judges, lawyers representing both defendants and the State, and a victims' rights representative. In past sessions the committee has successfully sponsored legislation to revise the laws on accessory before the fact, arson, assault, burglary, destructive devices, disorderly conduct, escape, Medicaid fraud, robbery, trespass, and victims' rights.

The Criminal Law Code Revision Committee recommended that the Article 27 Committee study the issue of prostitution-related laws. The Criminal Law Code Revision Committee is currently engaged in the nonsubstantive revision of the State's criminal laws. In revising the current laws, the Criminal Law Code Revision Committee found that it was unclear whether the term "prostitution" had the same meaning in different sections of the Code. It further found that the use of the term "immoral purposes" in the current Article 27, § 427 to be possibly unconstitutionally vague. In addition, there were provisions of the prostitution laws that were duplicative. During the 2000 interim, the Article 27 Committee considered this matter. This bill is the result of the committee's deliberations on the issue.

Additional Information

Prior Introductions: None.

Cross File: HB 611 (Delegates Doory and Getty) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services (Division of Correction), Office of the Public Defender, Office of the State's Attorneys' Coordinator, Department of Legislative Services

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