
By: **Delegate Dembrow**
Introduced and read first time: February 8, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Sexual Offenses Involving Minors - Solicitations**

3 FOR the purpose of prohibiting a person from soliciting a minor or someone a person
4 believes to be a minor with intent to commit certain sex offenses with the minor;
5 establishing certain penalties; establishing certain venues for a violation of this
6 Act; repealing a certain prohibition on persuading or enticing certain
7 individuals with the purpose of committing certain sex offenses; making
8 conforming changes; and generally relating to rape and sexual offenses.

9 BY renumbering
10 Article - Criminal Law
11 Section 3-313 through 3-321, respectively
12 to be Section 3-314 through 3-322, respectively
13 Annotated Code of Maryland
14 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
15 2002)

16 BY adding to
17 Article - Criminal Law
18 Section 3-313
19 Annotated Code of Maryland
20 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
21 2002)

22 BY repealing and reenacting, with amendments,
23 Article - Criminal Law
24 Section 3-315, 3-316, and 3-319
25 Annotated Code of Maryland
26 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
27 2002)
28 (As enacted by Section 1 of this Act)

29 BY repealing and reenacting, with amendments,

1 Article - Criminal Law
2 Section 11-305
3 Annotated Code of Maryland
4 (As enacted by Chapter _____(H.B. 11) of the Acts of the General Assembly of
5 2002)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That Section(s) 3-313 through 3-321, respectively, of Article - Criminal
8 Law of the Annotated Code of Maryland be renumbered to be Section(s) 3-314
9 through 3-322, respectively.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article - Criminal Law**

13 3-313.

14 (A) A PERSON MAY NOT SOLICIT, PERSUADE, OR ENTICE A MINOR OR
15 SOMEONE THE PERSON BELIEVES TO BE A MINOR WITH INTENT TO VIOLATE A
16 PROVISION OF §§ 3-303 THROUGH 3-312 OF THIS SUBTITLE WITH THE MINOR.

17 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
18 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE
19 NOT EXCEEDING \$5,000 OR BOTH.

20 (C) A PERSON WHO VIOLATES THIS SECTION MAY BE CHARGED, PROSECUTED,
21 TRIED, AND CONVICTED IN ANY COUNTY IN WHICH THE SOLICITATION ORIGINATED
22 OR TERMINATED OR WHERE THE PERSON INTENDED TO VIOLATE A PROVISION OF §§
23 3-303 THROUGH 3-312 OF THIS SUBTITLE.

24 3-315.

25 If a person is transported with the intent to violate a provision of §§ 3-303
26 through [3-313] 3-314 of this subtitle, and the intent is followed by actual violation of
27 a provision of §§ 3-303 through [3-313] 3-314 of this subtitle, the defendant may be
28 tried in the appropriate court in a county where the transportation was offered,
29 solicited, begun, continued, or ended.

30 3-316.

31 (a) (1) An indictment, information, or warrant for a crime under §§ 3-303
32 through [3-313] 3-314 of this subtitle is sufficient if it substantially states:

33 "(name of defendant) on (date) in (county) committed a rape or sexual offense on
34 (name of victim) in violation of (section violated) against the peace, government, and
35 dignity of the State."

1 (2) AN INDICTMENT, INFORMATION, OR WARRANT FOR A CRIME UNDER
2 § 3-314 OF THIS SUBTITLE IS SUFFICIENT IF IT SUBSTANTIALLY STATES:

3 "(NAME OF DEFENDANT) ON (DATE) IN (COUNTY) COMMITTED A SOLICITATION
4 OF A MINOR IN VIOLATION OF § 3-314 AGAINST THE PEACE, GOVERNMENT, AND
5 DIGNITY OF THE STATE."

6 (b) In a case in which the general form of indictment, information, or warrant
7 described in subsection (a) of this section is used, the defendant is entitled to a bill of
8 particulars specifically setting forth the allegations against the defendant.

9 3-319.

10 In a criminal prosecution under §§ 3-303 through [3-313] 3-314 of this subtitle,
11 a judge may not instruct the jury:

12 (1) to examine the testimony of the prosecuting witness with caution,
13 solely because of the nature of the charge;

14 (2) that the charge is easily made or difficult to disprove, solely because
15 of the nature of the charge; or

16 (3) to follow another similar instruction, solely because of the nature of
17 the charge.

18 11-305.

19 (a) For purposes of prostitution [or committing a crime under Title 3, Subtitle
20 3 of this article], a person may not:

21 (1) persuade or entice or aid in the persuasion or enticement of an
22 individual under the age of 16 years from the individual's home or from the custody of
23 the individual's parent or guardian; or

24 (2) knowingly secrete or harbor or aid in the secreting or harboring of an
25 individual under the age of 16 years who has been persuaded or enticed in the
26 manner described in item (1) of this subsection.

27 (b) A person who violates this section is guilty of a misdemeanor and on
28 conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
29 \$5,000 or both.

30 (c) A person who violates this section is subject to § 5-106(b) of the Courts
31 Article.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2002.