

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 203
Judiciary

(Chairman, Judiciary Committee and Delegate Grosfeld)

Judicial Proceedings

Criminal Law - Pornography and Adult Sexual Displays

This bill clarifies the penalties for offenses involving selling sexual displays to minors, the exhibition of sexual displays to minors, allowing minors to enter or remain on premises for a sexual display, or the display of advertising for sexual displays to include the possibility of a convicted offender receiving both the allowable current law imprisonment penalty as well as the monetary fine.

The bill also clarifies the prohibition against hiring or using a minor for prohibited purposes involving pornography by specifying that a person's actual knowledge "or" a reasonable basis for knowledge are sufficient for a finding that the crime has occurred, rather than the current requirement for both.

Fiscal Summary

State Effect: The bill's clarifications of penalty provisions and provisions prohibiting the use of minors for prohibited acts are not expected to significantly affect the operations or finances of the State.

Local Effect: The bill's clarifications of penalty provisions and provisions prohibiting the use of minors for prohibited acts are not expected to significantly affect the operations or finances of local governments.

Small Business Effect: None.

Analysis

Current Law: The offenses involving selling adult sexual displays to minors, the exhibition of adult sexual displays to minors, allowing minors to enter or remain on premises for an adult sexual display, or the display of advertising for adult sexual displays subject violators to maximum penalties of a fine of \$1,000 or imprisonment for six months.

A person may not hire, employ, or use an individual, if the person knows, and possesses facts under which the person should reasonably know, that the individual is a minor, to do or assist in doing a prohibited pornographic act.

Background: This bill is the result of the work of the Criminal Law Article Code Revision Committee. While revising the criminal laws, the committee encountered issues that were not appropriate for inclusion in the code revision bill because they involved substantive changes to the law. In the revisor's notes to House Bill 11, the Criminal Law Article code revision bill, the committee recommended that the General Assembly address these issues. This is one of several bills resulting from these recommendations.

Under provisions governing the hiring of a minor for prohibited pornographic purposes, the committee notes that the reference to a person who "knows, and possesses facts under which the person should reasonably know, that the individual is a minor" requires both actual knowledge and a reasonable basis for knowledge that an employee is a minor. The committee recommended requiring actual knowledge "or" a reasonable basis for knowledge as more appropriate.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Attorney General, Criminal Law Article Review Committee, Department of Legislative Services

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