

HOUSE BILL 929

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E1

2004 Regular Session  
4r2555  
CF 4r2211

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By: **Delegates Petzold, Cryor, Dumais, Goldwater, Jones, Kaiser, Madaleno,  
Montgomery, and Murray**

Introduced and read first time: February 11, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Sexual Solicitation of a Minor**

3 FOR the purpose of prohibiting a person from knowingly soliciting a minor, or an  
4 individual the person believes to be a minor, to engage in activities that would  
5 be unlawful for the person to engage in under certain provisions; providing that  
6 a certain violation is considered to be committed in the State for purposes of  
7 determining jurisdiction under certain circumstances; establishing a certain  
8 penalty; providing that a certain person may intercept a wire, oral, or electronic  
9 communication in order to provide evidence of the commission of a certain  
10 sexual solicitation of a minor; defining a certain term; and generally relating to  
11 the sexual solicitation of a minor.

12 BY repealing and reenacting, with amendments,  
13 Article - Courts and Judicial Proceedings  
14 Section 10-402(c)(2)  
15 Annotated Code of Maryland  
16 (2002 Replacement Volume and 2003 Supplement)

17 BY adding to  
18 Article - Criminal Law  
19 Section 3-324  
20 Annotated Code of Maryland  
21 (2002 Volume and 2003 Supplement)

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

24 **Article - Courts and Judicial Proceedings**

25 10-402.

26 (c) (2) (i) This paragraph applies to an interception in which:

1   1.             The investigative or law enforcement officer or other  
2 person is a party to the communication; or

3   2.             One of the parties to the communication has given prior  
4 consent to the interception.

5   (ii)           It is lawful under this subtitle for an investigative or law  
6 enforcement officer acting in a criminal investigation or any other person acting at  
7 the prior direction and under the supervision of an investigative or law enforcement  
8 officer to intercept a wire, oral, or electronic communication in order to provide  
9 evidence:

10                                        1.             Of the commission of:

11                                        A.            Murder;

12                                        B.            Kidnapping;

13                                        C.            Rape;

14                                        D.            A sexual offense in the first or second degree;

15                                        E.            Child abuse;

16                                        F.            Child pornography under § 11-207 or § 11-208 of the  
17 Criminal Law Article;

18                                        G.            Gambling;

19                                        H.            Robbery under § 3-402 or § 3-403 of the Criminal Law  
20 Article;

21                                        I.            A felony under Title 6, Subtitle 1 of the Criminal Law  
22 Article;

23                                        J.            Bribery;

24                                        K.            Extortion;

25                                        L.            Dealing in a controlled dangerous substance, including a  
26 violation of § 5-617 or § 5-619 of the Criminal Law Article;

27                                        M.            A fraudulent insurance act, as defined in Title 27, Subtitle  
28 4 of the Insurance Article;

29                                        N.            An offense relating to destructive devices under § 4-503 of  
30 the Criminal Law Article; [or]

31                                        O.            SEXUAL SOLICITATION OF A MINOR UNDER § 3-324 OF THE  
32 CRIMINAL LAW ARTICLE; OR

1 [O.] P. A conspiracy or solicitation to commit an offense  
 2 listed in items A through [N] O of this item; or

3 2. If:

4 A. A person has created a barricade situation; and

5 B. Probable cause exists for the investigative or law  
 6 enforcement officer to believe a hostage or hostages may be involved.

7 **Article - Criminal Law**

8 3-324.

9 (A) IN THIS SECTION, "SOLICIT" MEANS TO COMMAND, AUTHORIZE, URGE,  
 10 ENTICE, REQUEST, OR ADVISE A PERSON BY ANY MEANS, INCLUDING:

11 (1) IN PERSON;

12 (2) THROUGH AN AGENT OR AGENCY;

13 (3) OVER THE TELEPHONE;

14 (4) THROUGH ANY PRINT MEDIUM;

15 (5) BY MAIL;

16 (6) BY COMPUTER OR INTERNET; OR

17 (7) BY ANY OTHER ELECTRONIC MEANS.

18 (B) A PERSON MAY NOT KNOWINGLY SOLICIT A MINOR, OR AN INDIVIDUAL  
 19 THE PERSON BELIEVES TO BE A MINOR, TO ENGAGE IN ACTIVITIES THAT WOULD BE  
 20 UNLAWFUL FOR THE PERSON TO ENGAGE IN UNDER § 3-304, § 3-306, OR § 3-307 OF  
 21 THIS SUBTITLE.

22 (C) A VIOLATION OF THIS SECTION IS CONSIDERED TO BE COMMITTED IN THE  
 23 STATE FOR PURPOSES OF DETERMINING JURISDICTION IF THE SOLICITATION:

24 (1) ORIGINATED IN THE STATE; OR

25 (2) IS RECEIVED IN THE STATE.

26 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON  
 27 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE  
 28 NOT EXCEEDING \$25,000 OR BOTH.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
 30 effect October 1, 2004.