Unofficial Copy E1 2004 Regular Session 4lr2211 CF 4lr2555

By: **Senator Jimeno** Introduced and read first time: February 6, 2004 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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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
- 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:
27 28 j	person is a	a party to	the com	1. The investigative or law enforcement officer or other munication; or

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 consent to the interception. 	2.	One of the parties to the communication has given prior					
 3 (ii) It is lawful under this subtitle for an investigative or law 4 enforcement officer acting in a criminal investigation or any other person acting at 5 the prior direction and under the supervision of an investigative or law enforcement 6 officer to intercept a wire, oral, or electronic communication in order to provide 7 evidence: 							
8	1.	Of the commission of:					
9	A.	Murder;					
10	B.	Kidnapping;					
11	C.	Rape;					
12	D.	A sexual offense in the first or second degree;					
13	E.	Child abuse;					
14 15 Criminal Law Article;	F.	Child pornography under § 11-207 or § 11-208 of the					
16	G.	Gambling;					
17 18 Article;	H.	Robbery under § 3-402 or § 3-403 of the Criminal Law					
19 20 Article;	I.	A felony under Title 6, Subtitle 1 of the Criminal Law					
21	J.	Bribery;					
22	K.	Extortion;					
23L.Dealing in a controlled dangerous substance, including a24 violation of § 5-617 or § 5-619 of the Criminal Law Article;							
2526 4 of the Insurance Article;	M.	A fraudulent insurance act, as defined in Title 27, Subtitle					
2728 the Criminal Law Article; [or	N. r]	An offense relating to destructive devices under § 4-503 of					

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

О.

30 CRIMINAL LAW ARTICLE; OR

SEXUAL SOLICITATION OF A MINOR UNDER § 3-324 OF THE

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3		SENATE BILL 512					
1	2.	If:					
2	А.	A person has created a barricade situation; and					
3 4 enforcement off	B. ficer to believe a ho	Probable cause exists for the investigative or law stage or hostages may be involved.					
5		Article - Criminal Law					
6 3-324.							
7 (A) IN THIS SECTION, "SOLICIT" MEANS TO COMMAND, AUTHORIZE, URGE, 8 ENTICE, REQUEST, OR ADVISE A PERSON BY ANY MEANS, INCLUDING:							
9 (1) IN PERSON	I;					
10 (2) THROUGH	AN AGENT OR AGENCY;					
11 (3) OVER THE	TELEPHONE;					
12 (4) THROUGH	THROUGH ANY PRINT MEDIUM;					
13 (5) BY MAIL;						
14 (6) BY COMPU	JTER OR INTERNET; OR					
15 (7) BY ANY OT	THER ELECTRONIC MEANS.					
16 (B) A PERSON MAY NOT KNOWINGLY SOLICIT A MINOR, OR AN INDIVIDUAL 17 THE PERSON BELIEVES TO BE A MINOR, TO ENGAGE IN ACTIVITIES THAT WOULD BE 18 UNLAWFUL FOR THE PERSON TO ENGAGE IN UNDER § 3-304, § 3-306, OR § 3-307 OF 19 THIS SUBTITLE.							
		THIS SECTION IS CONSIDERED TO BE COMMITTED IN THE					

21 STATE FOR PURPOSES OF DETERMINING JURISDICTION IF THE SOLICITATION:

22 (1) ORIGINATED IN THE STATE; OR

23 (2) IS RECEIVED IN THE STATE.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take 28 effect October 1, 2004.