

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 283
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Human” insert “Sexual Solicitation of a Minor and”; in line 3, after “Prohibitions” insert “and Proof”; in line 10, after “prohibitions;” insert “providing that the State need only prove that a reasonable person, based on certain criteria, should have known that a certain minor had not attained a certain age under certain circumstances;”; and in line 21, before “human” insert “sexual solicitation of a minor and”.

On page 2, in line 3, strike “11-301” and substitute “3-324, 11-301,”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“3-324.

(a) In this section, “solicit” means to command, authorize, urge, entice, request, or advise a person by any means, including:

- (1) in person;
- (2) through an agent or agency;
- (3) over the telephone;
- (4) through any print medium;
- (5) by mail;

(Over)

(6) by computer or Internet; or

(7) by any other electronic means.

(b) A person may not, with the intent to commit a violation of § 3-304, § 3-306, or § 3-307 of this subtitle or § 11-304, § 11-305, or § 11-306 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3-304, § 3-306, or § 3-307 of this subtitle or § 11-304, § 11-305, or § 11-306 of this article.

(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

(1) originated in the State; or

(2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.

(E) IN A PROSECUTION UNDER THIS SECTION, THE STATE NEED ONLY PROVE THAT A REASONABLE PERSON, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SHOULD HAVE KNOWN THAT THE MINOR HAD NOT ATTAINED THE AGE OF 18 YEARS.

On page 4, in line 19, after “(1)” insert “(I)”; and before line 25, insert:

“(II) IN A PROSECUTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE NEED ONLY PROVE THAT A REASONABLE PERSON,

HB0283/738571/1
Amendments to HB 283
Page 3 of 3

JPR

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