

# HOUSE BILL 860

E3

2lr2145

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By: **Delegate Stein**

Introduced and read first time: February 9, 2012

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Children in Need of Assistance – Sexual Abuse – Definition**

3 FOR the purpose of altering the definition of “sexual abuse” for provisions of law  
4 relating to children in need of assistance, child abuse, and child neglect to  
5 include certain actions relating to human trafficking, obscene material,  
6 pornography, and prostitution; and generally relating to child sexual abuse.

7 BY repealing and reenacting, without amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 3–801(a) and 3–802(a)  
10 Annotated Code of Maryland  
11 (2006 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Courts and Judicial Proceedings  
14 Section 3–801(x)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article – Family Law  
19 Section 5–701(a) and 5–702  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2011 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Family Law  
24 Section 5–701(x)  
25 Annotated Code of Maryland  
26 (2006 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Courts and Judicial Proceedings**

4 3–801.

5 (a) In this subtitle the following words have the meanings indicated.

6 (x) (1) “Sexual abuse” means an act that involves sexual molestation or  
7 sexual exploitation of a child by:

8 (i) A parent or other individual who has permanent or  
9 temporary care or custody or responsibility for supervision of the child; or

10 (ii) A household or family member.

11 (2) “Sexual abuse” includes:

12 (I) **ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:**

13 1. **OBSCENE PHOTOGRAPHY, FILMS, POSES, OR**  
14 **SIMILAR ACTIVITY;**

15 2. **PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES,**  
16 **OR SIMILAR ACTIVITY; OR**

17 3. **PROSTITUTION;**

18 (II) **HUMAN TRAFFICKING;**

19 [(i)] (III) Incest;

20 [(ii)] (IV) Rape;

21 [(iii)] (V) Sexual offense in any degree;

22 [(iv)] (VI) Sodomy; and

23 [(v)] (VII) Unnatural or perverted sexual practices.

24 3–802.

25 (a) The purposes of this subtitle are:



1                                   **2.    PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES,**  
2 **OR SIMILAR ACTIVITY; OR**

3                                   **3.    PROSTITUTION;**

4                                   **(II)   HUMAN TRAFFICKING;**

5                                   **[(i)] (III)   incest[.];**

6                                   **(IV)   rape[.]; [or]**

7                                   **(V)   sexual offense in any degree;**

8                                   **[(ii)] (VI)   sodomy; and**

9                                   **[(iii)] (VII)  unnatural or perverted sexual practices.**

10 **5-702.**

11                   The purpose of this subtitle is to protect children who have been the subject of  
12 abuse or neglect by:

13                   (1)    mandating the reporting of any suspected abuse or neglect;

14                   (2)    giving immunity to any individual who reports, in good faith, a  
15 suspected incident of abuse or neglect;

16                   (3)    requiring prompt investigation of each reported suspected incident  
17 of abuse or neglect;

18                   (4)    causing immediate, cooperative efforts by the responsible agencies  
19 on behalf of children who have been the subject of reports of abuse or neglect; and

20                   (5)    requiring each local department to give the appropriate service in  
21 the best interest of the abused or neglected child.

22                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
23 **October 1, 2012.**