

SENATE BILL 1082

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2lr3340
CF HB 860

By: **Senator Forehand**

Introduced and read first time: March 5, 2012

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 9, 2012

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 2012

CHAPTER _____

1 AN ACT concerning

2 **Children in Need of Assistance and Child Abuse and Neglect – Sexual Abuse –**
3 **Definition**

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

8 BY repealing and reenacting, without amendments,
9 Article – Courts and Judicial Proceedings
10 Section 3–801(a) and 3–802(a)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 3–801(x)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2006 Replacement Volume and 2011 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article – Family Law
 4 Section 5–701(x)
 5 Annotated Code of Maryland
 6 (2006 Replacement Volume and 2011 Supplement)

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

9 **Article – Courts and Judicial Proceedings**

10 3–801.

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

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

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

16 (ii) A household or family member.

17 (2) “Sexual abuse” includes:

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

19 **1. OBSCENE PHOTOGRAPHY, FILMS, POSES, OR**
 20 **SIMILAR ACTIVITY;**

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

23 **3. PROSTITUTION;**

24 **(II) HUMAN TRAFFICKING;**

25 **[(i)] (III) Incest;**

26 **[(ii)] (IV) Rape;**

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

28 **[(iv)] (VI) Sodomy; and**

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

2 3-802.

3 (a) The purposes of this subtitle are:

4 (1) To provide for the care, protection, safety, and mental and physical
5 development of any child coming within the provisions of this subtitle;

6 (2) To provide for a program of services and treatment consistent with
7 the child’s best interests and the promotion of the public interest;

8 (3) To conserve and strengthen the child’s family ties and to separate
9 a child from the child’s parents only when necessary for the child’s welfare;

10 (4) To hold parents of children found to be in need of assistance
11 responsible for remedying the circumstances that required the court’s intervention;

12 (5) Except as otherwise provided by law, to hold the local department
13 responsible for providing services to assist the parents with remedying the
14 circumstances that required the court’s intervention;

15 (6) If necessary to remove a child from the child’s home, to secure for
16 the child custody, care, and discipline as nearly as possible equivalent to that which
17 the child’s parents should have given;

18 (7) To achieve a timely, permanent placement for the child consistent
19 with the child’s best interests; and

20 (8) To provide judicial procedures for carrying out the provisions of
21 this subtitle.

22 **Article – Family Law**

23 5-701.

24 (a) Except as otherwise provided in § 5-705.1 of this subtitle, in this subtitle
25 the following words have the meanings indicated.

26 (x) (1) “Sexual abuse” means any act that involves sexual molestation or
27 exploitation of a child by a parent or other person who has permanent or temporary
28 care or custody or responsibility for supervision of a child, or by any household or
29 family member.

30 (2) “Sexual abuse” includes:

- 1 **(I) ALLOWING OR ENCOURAGING A CHILD TO ENGAGE IN:**
- 2 **1. OBSCENE PHOTOGRAPHY, FILMS, POSES, OR**
 3 **SIMILAR ACTIVITY;**
- 4 **2. PORNOGRAPHIC PHOTOGRAPHY, FILMS, POSES,**
 5 **OR SIMILAR ACTIVITY; OR**
- 6 **3. PROSTITUTION;**
- 7 **(II) HUMAN TRAFFICKING;**
- 8 **[(i)] (III) incest[.];**
- 9 **(IV) rape[.]; [or]**
- 10 **(V) sexual offense in any degree;**
- 11 **[(ii)] (VI) sodomy; and**
- 12 **[(iii)] (VII) unnatural or perverted sexual practices.**

13 5-702.

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

- 16 (1) mandating the reporting of any suspected abuse or neglect;
- 17 (2) giving immunity to any individual who reports, in good faith, a
 18 suspected incident of abuse or neglect;
- 19 (3) requiring prompt investigation of each reported suspected incident
 20 of abuse or neglect;
- 21 (4) causing immediate, cooperative efforts by the responsible agencies
 22 on behalf of children who have been the subject of reports of abuse or neglect; and
- 23 (5) requiring each local department to give the appropriate service in
 24 the best interest of the abused or neglected child.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 26 October 1, 2012.