

# HOUSE BILL 1089

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CF SB 865

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By: **Delegates Morales, Anderson, Atterbeary, D. Barnes, Barron, Carter, Dumais, Frush, Jackson, Kelly, McComas, Moon, Proctor, B. Robinson, Rosenberg, Sanchez, Smith, Sydnor, and Valentino-Smith**

Introduced and read first time: February 11, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Solicitation for Prostitution – Fine**

3 FOR the purpose of altering the penalty to which a person is subject on conviction of  
4 procuring or soliciting or offering to procure or solicit for prostitution or assignation;  
5 altering the penalty to which a person is subject on conviction of engaging in  
6 prostitution or assignation; requiring certain fines to be remitted to the Governor’s  
7 Office of Crime Control and Prevention; providing that the Governor’s Office of  
8 Crime Control and Prevention may use certain money received only for the purpose  
9 of funding services for victims of human trafficking; and generally relating to  
10 solicitation.

11 BY repealing and reenacting, with amendments,  
12 Article – Criminal Law  
13 Section 11–306  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Courts and Judicial Proceedings  
18 Section 7–302(a)  
19 Annotated Code of Maryland  
20 (2013 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Courts and Judicial Proceedings  
23 Section 7–302(g)  
24 Annotated Code of Maryland  
25 (2013 Replacement Volume and 2015 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Courts and Judicial Proceedings  
3 Section 7–302(h)  
4 Annotated Code of Maryland  
5 (2013 Replacement Volume and 2015 Supplement)

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

8 **Article – Criminal Law**

9 11–306.

10 (a) A person may not knowingly:

11 (1) [engage in prostitution or assignation by any means;

12 (2)] keep, set up, occupy, maintain, or operate a building, structure, or  
13 conveyance for prostitution or assignation;

14 [(3)] (2) allow a building, structure, or conveyance owned or under the  
15 person’s control to be used for prostitution or assignation; **OR**

16 [(4)] (3) allow or agree to allow a person into a building, structure, or  
17 conveyance for prostitution or assignation[; or

18 (5) procure or solicit or offer to procure or solicit for prostitution or  
19 assignation].

20 **(B) A PERSON MAY NOT KNOWINGLY PROCURE OR SOLICIT OR OFFER TO**  
21 **PROCURE OR SOLICIT FOR PROSTITUTION OR ASSIGNATION.**

22 **(C) A PERSON MAY NOT KNOWINGLY ENGAGE IN PROSTITUTION OR**  
23 **ASSIGNATION BY ANY MEANS.**

24 [(b)] **(D) (1)** A person who violates **SUBSECTION (A) OF** this section is guilty  
25 of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a  
26 fine not exceeding \$500 or both.

27 **(2) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS**  
28 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**  
29 **NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.**

1           **(3) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS**  
2 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**  
3 **NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

4           **[(c)] (E)** (1) Subject to paragraph (2) of this subsection, in a prosecution  
5 under this section, it is an affirmative defense of duress if the defendant committed the act  
6 as a result of being a victim of an act of another who was charged with violating the  
7 prohibition against human trafficking under § 11–303 of this subtitle or under federal law.

8           (2) A defendant may not assert the affirmative defense provided in  
9 paragraph (1) of this subsection unless the defendant notifies the State’s Attorney of the  
10 defendant’s intention to assert the defense at least 10 days prior to trial.

### 11                           **Article – Courts and Judicial Proceedings**

12           7–302.

13           (a) Except as provided in subsections (b) through **[(g)] (H)** of this section, the  
14 clerks of the District Court shall:

15                   (1) Collect costs, fines, forfeitures, or penalties imposed by the court; and

16                   (2) Remit them to the State under a system agreed upon by the Chief Judge  
17 of the District Court and the Comptroller.

18           (g) (1) A civil penalty collected by the District Court resulting from citations  
19 issued under § 5–601(c)(2)(ii) of the Criminal Law Article shall be remitted to the  
20 Department of Health and Mental Hygiene.

21                   (2) The Department of Health and Mental Hygiene may use money  
22 received under this subsection only for the purpose of funding drug treatment and  
23 education programs.

24           **(H) (1) A PENALTY COLLECTED BY THE DISTRICT COURT RESULTING**  
25 **FROM CONVICTIONS UNDER § 11–306(C)(2) OF THE CRIMINAL LAW ARTICLE SHALL**  
26 **BE REMITTED TO THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

27                   **(2) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND**  
28 **PREVENTION MAY USE THE MONEY RECEIVED UNDER THIS SUBSECTION ONLY FOR**  
29 **THE PURPOSE OF FUNDING SERVICES FOR VICTIMS OF HUMAN TRAFFICKING.**

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2016.