

HOUSE BILL 194

F1

2lr0679

(PRE-FILED)

By: **Delegate Shetty**

Requested: October 7, 2021

Introduced and read first time: January 12, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Family Life and Human Sexuality Curriculum – Sexting**

3 FOR the purpose of requiring a county board of education to provide age-appropriate
4 instruction on the risks of sexting as part of the Family Life and Human Sexuality
5 curriculum in every grade in which the curriculum is taught in public schools in the
6 county beginning in a certain school year; and generally relating to the Family Life
7 and Human Sexuality curriculum in public schools in the State.

8 BY repealing and reenacting, without amendments,

9 Article – Courts and Judicial Proceedings

10 Section 3–8A–35(a)

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 7–445

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2021 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 3–8A–35.

22 (a) (1) In this section, “sexting” means:

23 (i) The sending of a photograph, image, or video that depicts sexual

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 conduct, as defined in § 11–101 of the Criminal Law Article, or sexual excitement, as
 2 defined in § 11–101 of the Criminal Law Article, of oneself to another or of oneself and the
 3 recipient by mobile telephone, computer, or other electronic or digital device; or

4 (ii) The receipt and retention of a photograph, image, or video
 5 described in subparagraph (i) of this paragraph.

6 (2) “Sexting” does not include conduct described in paragraph (1) of this
 7 subsection if:

8 (i) The sender is more than 4 years older than the recipient;

9 (ii) The recipient is more than 4 years older than the sender;

10 (iii) The child did not consent to committing the conduct constituting
 11 the violation; or

12 (iv) The child was coerced, threatened, or intimidated into
 13 committing the conduct constituting the violation.

14 Article – Education

15 7–445.

16 (a) **(1)** In this section[, “consent”] **THE FOLLOWING WORDS HAVE THE**
 17 **MEANINGS INDICATED.**

18 **(2)** **“CONSENT”** means the unambiguous and voluntary agreement
 19 between all participants in each physical act within the course of interpersonal
 20 relationships, including respect for personal boundaries.

21 **(3)** **“SEXTING” HAS THE MEANING STATED IN § 3–8A–35 OF THE**
 22 **COURTS AND JUDICIAL PROCEEDINGS ARTICLE.**

23 (b) Beginning in the 2018–2019 school year, a county board shall provide
 24 age–appropriate instruction on the meaning of “consent” and respect for personal
 25 boundaries as part of the Family Life and Human Sexuality curriculum in every grade in
 26 which the curriculum is taught in public schools in the county.

27 **(C)** **BEGINNING IN THE 2022–2023 SCHOOL YEAR, A COUNTY BOARD SHALL**
 28 **PROVIDE AGE–APPROPRIATE INSTRUCTION ON THE RISKS OF SEXTING AS PART OF**
 29 **THE FAMILY LIFE AND HUMAN SEXUALITY CURRICULUM IN EVERY GRADE IN WHICH**
 30 **THE CURRICULUM IS TAUGHT IN PUBLIC SCHOOLS IN THE COUNTY.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 32 1, 2022.