HOUSE BILL 194

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(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

AN ACT concerning Education – Family Life and Human Sexuality Curriculum – Sexting

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

BY repealing and reenacting, without amendments, Article – Courts and Judicial Proceedings
Section 3–8A–35(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments, Article – Education
Section 7–445
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–35.

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

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

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

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

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

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

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

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

Article – Education

7–445.

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

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

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

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

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

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