

# HOUSE BILL 963

E1

4lr2563  
CF SB 719

---

By: **Delegates Taveras and Pena-Melnyk**  
Introduced and read first time: February 2, 2024  
Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Solicitation of a Minor, Human Trafficking, and Drug**  
3 **Distribution – Sensitive Locations**

4 FOR the purpose of prohibiting a person from committing sexual solicitation of a minor or  
5 human trafficking within a certain distance of certain locations; altering the distance  
6 surrounding certain school property within which a person is prohibited from  
7 committing a certain crime relating to drug distribution; and generally relating to  
8 sexual solicitation of a minor, human trafficking, and drug distribution.

9 BY adding to

10 Article – Criminal Law  
11 Section 3–602.3  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Criminal Law  
16 Section 5–627  
17 Annotated Code of Maryland  
18 (2021 Replacement Volume and 2023 Supplement)

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

21 **Article – Criminal Law**

22 **3–602.3.**

23 **(A) A PERSON MAY NOT COMMIT A VIOLATION OF § 3–324 OR SUBTITLE 11**  
24 **OF THIS TITLE WITHIN 5 MILES OF:**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(1) A PUBLIC OR PRIVATE ELEMENTARY, VOCATIONAL, OR**  
2 **SECONDARY SCHOOL;**

3           **(2) A PUBLIC OR PRIVATE COLLEGE, COMMUNITY COLLEGE, OR**  
4 **UNIVERSITY;**

5           **(3) A SITE WHERE A SCHOOL-SPONSORED ACTIVITY IS BEING**  
6 **CONDUCTED;**

7           **(4) A PLAYGROUND OR HOUSING FACILITY OWNED BY A PUBLIC**  
8 **HOUSING AUTHORITY;**

9           **(5) A PUBLIC OR PRIVATE YOUTH CENTER;**

10           **(6) A PUBLIC PARK;**

11           **(7) A PUBLIC PLAYGROUND;**

12           **(8) A PUBLIC SWIMMING POOL; OR**

13           **(9) A VIDEO ARCADE.**

14           **(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY**  
15 **OF A FELONY AND ON CONVICTION IS SUBJECT TO:**

16           **(1) IMPRISONMENT NOT EXCEEDING 15 YEARS, IF THE PERSON IS AN**  
17 **ADULT; OR**

18           **(2) IMPRISONMENT NOT EXCEEDING 5 YEARS, IF THE PERSON IS A**  
19 **MINOR.**

20           **(C) A SENTENCE IMPOSED UNDER SUBSECTION (B) OF THIS SECTION SHALL**  
21 **BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE IMPOSED FOR ANY CRIME**  
22 **BASED ON THE ACT ESTABLISHING A VIOLATION OF SUBSECTION (A) OF THIS**  
23 **SECTION.**

24 5-627.

25           (a) A person may not manufacture, distribute, dispense, or possess with intent to  
26 distribute a controlled dangerous substance in violation of § 5-602 of this subtitle or  
27 conspire to commit any of these crimes:

1 (1) in a school vehicle, as defined under § 11–154 of the Transportation  
2 Article; or

3 (2) in, on, or within [1,000 feet] **5 MILES** of real property owned by or  
4 leased to an elementary school, secondary school, or county board and used for elementary  
5 or secondary education.

6 (b) Subsection (a) of this section applies whether or not:

7 (1) school was in session at the time of the crime; or

8 (2) the real property was being used for purposes other than school  
9 purposes at the time of the crime.

10 (c) (1) A person who violates this section is guilty of a felony and on conviction  
11 is subject to:

12 (i) for a first violation, imprisonment not exceeding 20 years or a  
13 fine not exceeding \$20,000 or both; or

14 (ii) for each subsequent violation, imprisonment not less than 5  
15 years and not exceeding 40 years or a fine not exceeding \$40,000 or both.

16 (2) (i) The court may not suspend the 5–year minimum sentence  
17 required by paragraph (1)(ii) of this subsection.

18 (ii) Except as otherwise provided in § 4–305 of the Correctional  
19 Services Article, a person sentenced under paragraph (1)(ii) of this subsection is not eligible  
20 for parole during this period of the 5–year minimum sentence.

21 (3) A sentence imposed under paragraph (1) of this subsection shall be  
22 consecutive to any other sentence imposed.

23 (d) Notwithstanding any other law, a conviction under this section may not merge  
24 with a conviction under § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–607, § 5–608, §  
25 5–609, § 5–612, § 5–613, or § 5–628 of this subtitle.

26 (e) (1) In a prosecution under this section, a map or certified copy of a map  
27 made by a county or municipal unit to depict the location and boundaries of the area within  
28 [1,000 feet] **5 MILES** of real property owned by or leased to an elementary school, secondary  
29 school, or county board and used for school purposes is admissible as prima facie evidence  
30 of the location and boundaries of the depicted area, if the governing body of the county or  
31 municipal corporation approves the map or certified copy of the map as an official record of  
32 the location and boundaries of the depicted area.

**HOUSE BILL 963**

1                   (2)     The map or a certified copy of the map shall be filed with the county or  
2 municipal corporation, which shall maintain the map or the certified copy of the map as an  
3 official record.

4                   (3)     The governing body of the county or municipal corporation may revise  
5 periodically the map or certified copy of the map.

6                   (4)     This subsection does not preclude the prosecution from introducing  
7 other evidence to establish an element of a crime under this section.

8                   (5)     This subsection does not preclude the use or admissibility of maps or  
9 diagrams other than those approved by the county or municipal corporation.

10                 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2024.