

Chapter 858

(House Bill 5)

AN ACT concerning

Criminal Law – Indecent Exposure Within the Presence of a Minor

FOR the purpose of prohibiting a person from committing the common law crime of indecent exposure; prohibiting a person from, with prurient intent, committing the common law crime of indecent exposure when the person knows or reasonably should know that a minor is present and the minor is at least a certain age and is more than a certain number of years younger than the person; and generally relating to indecent exposure.

BY repealing and reenacting, with amendments,
 Article – Criminal Law
 Section 11–107
 Annotated Code of Maryland
 (2021 Replacement Volume and 2023 Supplement)

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

Article – Criminal Law

11–107.

(a) In this section, “indecent exposure” includes engaging in an act of masturbation in public, whether or not the person’s genitalia are exposed.

(B) A PERSON MAY NOT COMMIT THE COMMON LAW CRIME OF INDECENT EXPOSURE.

(C) A PERSON MAY NOT WITH PRURIENT INTENT COMMIT THE COMMON LAW CRIME OF INDECENT EXPOSURE WHEN THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT A MINOR IS PRESENT AND THE MINOR IS:

(1) AT LEAST 2 YEARS OLD; AND

(2) MORE THAN 4 YEARS YOUNGER THAN THE PERSON.

[(b)] (D) (1) A person [convicted of indecent exposure] WHO VIOLATES SUBSECTION (B) OF THIS SECTION is guilty of a misdemeanor and ON CONVICTION is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

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

Approved by the Governor, May 16, 2024.