

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1484  
Judiciary

(Delegate Arentz, *et al.*)

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Child Sex Offenders - Plea Agreements and Places for Children

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This bill prohibits a State’s Attorney, in a prosecution brought for an offense relating to human trafficking, from entering into a plea agreement that would result in the dismissal or *nolle prosequi* of any charge relating to human trafficking. In addition, the bill prohibits a person who has been convicted of an offense in which the victim of the offense was a minor and the offense required registration on the State sex offender registry from knowingly operating or entering a “place for children.” A violator is guilty of a felony and on conviction subject to imprisonment up to five years and/or a maximum fine of \$5,000.

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Fiscal Summary

**State Effect:** General fund revenues and expenditures may increase minimally due to (1) the bill’s penalty provision and (2) potential additional prosecutions in human trafficking cases, as discussed below.

**Local Effect:** Local revenues and expenditures may increase minimally due to (1) the bill’s penalty provision and (2) potential additional prosecutions in human trafficking cases, as discussed below.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** “Place for children” means a location specifically intended to be used or visited by minors. “Place for children” includes a playground, a theme park, and a children’s museum.

## **Current Law:**

### *Registration of Sex Offenders*

Generally, a person convicted of a sex crime or other specified crime in Maryland, including kidnapping and false imprisonment under specified circumstances, is required to register with the State sex offender registry upon release from prison or release from court if the person did not receive a prison sentence. Offenders who are required to register in other states and who come to Maryland are required to register upon entering Maryland. Offenders from other states who may not be required to register in the home state are required to register in Maryland if the crime would have required registration in Maryland if committed in Maryland. The registry is maintained by the Department of Public Safety and Correctional Services.

Generally, a sex offender must register with the appropriate supervising authority in the State prior to the registrant's release from incarceration or within three days of the date the registrant is granted probation before or after judgment, a suspended sentence, or a sentence that does not include a term of imprisonment. If the sex offender moves into the State, the registrant must register within three days of the date the registrant establishes residence in the State, begins to habitually live in the State, or applies for a driver's license in the State. If the registrant is not a resident, the registrant must register within three days after the registrant begins employment in the State, registers as a student in the State, or enters the State as a transient.

A sex offender must also register in person with the local law enforcement unit of each county where the sex offender resides within three days of (1) release from any period of imprisonment or arrest or (2) registering with the supervising authority, if the registrant is moving into the State and the local law enforcement unit is not the supervising authority.

### *Registry of Juvenile Sex Offenders*

The State maintains a registry of juvenile sex offenders that is accessible only by law enforcement personnel for law enforcement purposes. A person must be included in the registry of juvenile sex offenders if (1) the person has been adjudicated delinquent for an act that, if committed by an adult, would constitute a violation of specified sexual offenses in the Criminal Law Article and (2) the person was a minor who was at least age 14 at the time the delinquent act was committed. When the juvenile court's jurisdiction over the juvenile registrant terminates, the juvenile registrant must be removed from the registry.

### *Registered Sex Offenders – Prohibitions Related to Schools and Child Care Facilities*

Statutory provisions prohibit, with specified exceptions, a registrant or juvenile registrant from knowingly entering on real property used for elementary or secondary education or on which child care is being provided in accordance with a license or registration (or under applicable regulations) from the Maryland State Department of Education. A violator of either offense is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$5,000.

Each local school board must develop and adopt a policy that enables a registered sex offender who is a student to receive an education. The State Board of Education SBE must develop and adopt guidelines and a model policy to assist local school boards with the development of their respective policies.

### *Title 3, Subtitle 11 of the Criminal Law Article – Human Trafficking*

*Sex Trafficking:* Under § 3-1102 of the Criminal Law Article, a person may not knowingly:

- take or cause another to be taken to any place for prostitution;
- place, cause to be placed, or harbor another in any place for prostitution;
- persuade, induce, entice, or encourage another to be taken to or placed in any place for prostitution;
- receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation;
- engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third person would suffer physical restraint or serious harm; or
- destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to commit these acts.

Also, a parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other person for prostitution.

In general, a person who commits the sex trafficking offenses detailed above involving an adult victim is guilty of a misdemeanor and subject to imprisonment for up to 10 years and/or a maximum fine of \$5,000.

Under § 3-1102(b) of the Criminal Law Article, a person who commits sex trafficking involving a victim who is a minor (defined as an individual younger than age 18) or with the use of or intent to use force, threat, coercion, or fraud is guilty of a felony and subject to imprisonment for up to 25 years and/or a maximum fine of \$15,000. The District Court has concurrent jurisdiction with the circuit courts over the crime of felony sex trafficking under § 3-1102(b).

A person who knowingly aids, abets, or conspires in the violation of State sex trafficking laws or knowingly benefits financially or receives anything of value from a venture that includes an act prohibited under State sex trafficking laws is subject to the same penalties imposed on a person who violated the applicable statute.

A defendant's lack of knowledge of the victim's age is not a defense in a prosecution for (1) sex trafficking of a minor or (2) knowingly benefitting financially from or aiding or abetting a sex trafficking violation.

*Marriage Trafficking:* Under § 3-1103 of the Criminal Law Article, a person may not knowingly (1) take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry any person; (2) receive financial benefit or thing of value in relation to the crime of marriage trafficking; or (3) aid, abet, or conspire with another to commit the crime of marriage trafficking. A violator is guilty of the felony of forced marriage and on conviction subject to imprisonment for up to 25 years and/or a \$15,000 maximum fine.

**State and Local Fiscal Effect:** The bill's prohibition on a plea agreement that would result in a dismissal or *nolle prosequi* may result in additional human trafficking cases being tried that otherwise would have been resolved via a plea agreement. To the extent these cases result in certain dispositions, associated revenues and expenditures may increase accordingly (*e.g.*, fine revenues, incarceration/supervision costs, etc.). Any potential impact, however, is assumed to be minimal.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Kent, Montgomery, and Worcester counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Public Safety and Correctional Services; Department of Legislative Services

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