



**SB0231 Sexual Solicitation of a Minor –
Solicitation Through Parent, Guardian, or Custodian – Prohibition and Penalties**
Presented to the Honorable Will Smith and Members of the Judicial Proceedings Committee
January 30, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the Judicial Proceedings Committee **a favorable report on SB0231 Sexual Solicitation of a Minor – Solicitation Through Parent, Guardian, or Custodian – Prohibition and Penalties**, sponsored by Senator Susan Lee.

Our organization is an advocate for reproductive health, rights, and justice. We seek to protect and advance every individual's power to make personal, life-affirming decisions and exercise control over their sexual and reproductive lives. It should not be surprising that our organization also strongly believes that these rights should also apply to minors, who should not be subject to subordination or manipulation by adults for the purposes of engaging in illegal sexual activity. Non-consensual sexual contact compromises bodily autonomy and safety, no matter the age of the victim.

Although Maryland has some of the strongest laws in the nation against human trafficking, SB0231 builds upon existing law to further protect minors from sexual solicitation. This legislation seeks to prohibit persons from knowingly soliciting the consent of a parent, guardian, or custodian of a minor to engage in certain unlawful sexual acts with that minor either in person, through a third party, or communication devices or printed materials. Individuals with legal custody of minors who subject their children to sexual exploitation can be prosecuted under human trafficking laws, but not the person who is soliciting the sex crime. Our organization strongly believes laws should be enacted when it is necessary to preserve the autonomy of minors by giving them the right to regulate their own bodies without coercion or influence.

According to the Maryland Human Trafficking Task Force (MHTTF), a trafficker does not necessarily fall into a particular demographic, often controls their victims through power and manipulation, and therefore, could be a family member. While a parent, guardian or custodian may have the legal right to the care, custody, and control of their child, they do not have the legal right to hand over their child's body for profit or personal gain. Although there are areas in law and policy that seek to balance the rights of parents with the rights of minors, there should be no controversy in clarifying Maryland law that a parent or legal guardian does not have absolute ownership of their children's bodies allowing them to objectify them for the purposes of sexual solicitation. This legislation creates a criminal law against individuals attempting to manipulate the parent/child dynamic and seeking sexual solicitation of that minor through the minor's custodian.

Causing a minor to engage in a commercial sex act constitutes sex trafficking. SB0231 strengthens legal protections for minors to have control in determining for themselves when they engage in sexual activity and advance their rights to not be forced into nonconsensual sexual activity by any adult, including a custodial family member enticed by another. It is state public policy to protect the rights of all Marylanders to autonomous decision-making about their own lives, bodies, and futures. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0231**. Thank you for your time and consideration.