

Updated - Written - Testimony - Maryland SB 113 (2

Uploaded by: Daton Lynch

Position: FAV



BILL NO: SB 113
TITLE: Sexual Solicitation of a Minor Through Child Pornography--Prohibition
COMMITTEE: Judicial Proceedings
HEARING DATE: January 25, 2024
POSITION: SUPPORT

Dear Chair Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee:

I am writing to express support for Senate Bill 113 (SB 113) and to request a favorable report. This legislation ensures that solicitation of a child *and* solicitation of consent of a child's parent, guardian or custodian with the intent to engage in the production or distribution of child pornography with the child, is statutorily prohibited in Maryland. By explicitly codifying solicitation with the intent to commit the production or distribution of child pornography—*more appropriately referred to as child sexual abuse material*—SB 113 improves Maryland law to address the modern methods perpetrators use to solicit, exploit, and victimize children.

The National Center for Missing & Exploited Children (NCMEC) was born in response to an unthinkable tragedy. In 1981, 6-year-old Adam Walsh was shopping with his mother when he vanished without a trace. His devastated parents, John and Revé Walsh, had nowhere to turn for help in finding Adam. Despite his parents' desperate search, ten days after Adam was abducted, he was found murdered more than 100 miles away. John and Revé channeled the painful experience of losing Adam to create NCMEC in 1984. Over the past 40 years, NCMEC has become the leading private, nonprofit organization working to help find missing children, reduce child sexual exploitation and prevent child victimization. NCMEC operates the CyberTipline, the national mechanism for members of the public and online companies to report suspected child sexual exploitation. **Between 2021 and 2022 alone, 16,479 reports of apparent child pornography, and 691 CyberTipline reports of online enticement/sextortion were made available to law enforcement in Maryland from the CyberTipline.**

In NCMEC's experience, child sexual abuse material has a profound and lasting impact on the child victims depicted in the imagery—an impact that extends beyond the trauma caused by the initial production. Distribution of child sexual abuse material perpetuates the victim's abuse, and the existence of this harmful content invades the child's privacy indefinitely. Survivors not only fear the memorialization of their abuse online but also endure perpetual revictimization when the imagery is shared. SB 113 recognizes the effect of sexual exploitation on child victims and sends

a clear message that solicitation of a child with the intent to produce or distribute sexually explicit imagery of the child is a violation of Maryland law.

In light of the known effects of the production and distribution of child pornography—*child sexual abuse material*—on victims, and the troubling efforts of perpetrators soliciting minors for those purposes, NCMEC asks the Judiciary Proceedings Committee to provide SB 113 with a favorable report.

Respectfully submitted,

Daton Lynch
State Policy Counsel

Letter Solicitations of Minors SB.pdf

Uploaded by: Essita Duncan

Position: FAV



www.marylandwomen.org

Maryland Commission for Women

A Commission of the Maryland Department of Human Services

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January 19, 2024

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The Honorable William C. Smith Jr., Chair
The Honorable Jeff Waldstreicher, Vice Chair
Senate Judicial Proceedings Committee
Miller Senate Office Building Room 2 East
Annapolis, MD 21401

Re: SB 113 –Criminal Law-Sexual Solicitation of a Minor Through Child Pornography

Dear Senators Smith and Waldstreicher and Members of the Judicial Proceeding Committee:

The Maryland Commission for Women (MCW) urges your support of SB 113, which would prohibit solicitations of minors to engage in various sexual acts as further detailed in the bill. The MCW believes that this legislation would help protect all children and particularly vulnerable girls.

The MCW was established in 1965 and was set in state law in 1971. An office of the Department of Human Services, the Commission is a 25-member advisory board whose duties outlined in its enabling legislation include: study the status of women in our state, recommend methods of overcoming discrimination, recognize women's accomplishments and contributions, and provide informed advice to the executive and legislative branches of government on the issues concerning the women of our state. It is to fulfill this mandate that the Commission writes to you today.

Online solicitations of minors is of great concern to the MCW. As reported in https://www.justice.gov/d9/2023-06/child_sexual_abuse_material_2.pdf:

- Children are being exposed to solicitation pressures at younger ages.
- On-line interactions have different boundaries than in-person interactions.
- There are obstacles, including shaming of victims, that prevent children from seeking help.

In our view, Law Enforcement needs additional tools to address these concerns and this societal problem of sexual solicitation of minors. SB 113 would provide Law Enforcement with needed additional tools. We strongly urge your support of SB 113.

With very best regards,

A handwritten signature in black ink, appearing to read "Tawanda A. Bailey". The signature is fluid and cursive, with the first name being the most prominent.

Tawanda A. Bailey, Chair
Maryland Commission for Women

(The positions expressed in this letter are those of the Commission for Women and do not necessarily reflect the position of the Governor or the Department of Human Services.)

MLAW Testimony - SB113 - Criminal Law – Sexual Sol

Uploaded by: Jessica Morgan

Position: FAV



Bill No: SB113
Title: Criminal Law – Sexual Solicitation of a Minor Through Child Pornography – Prohibition
Committee: Judicial Proceedings
Hearing: January 25, 2024
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women’s groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW’s purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB113 - Criminal Law – Sexual Solicitation of a Minor Through Child Pornography – Prohibition** is a priority on the **2024 MLAW Agenda** and we urge your support.

SB113 would expand expands the definition of sexual solicitation of a minor to include production of child pornography.

Online sexual exploitation of female children has increasing tremendously. The proliferation of phones and technology has moved predatory sexual offenders online. In 2022 alone, the National Center for Missing and Exploited Children received 32 million CyberTipline reports of suspected online child sexual abuse – this is a nearly 8,000% increase from 2012. Predators meet children online and ask them to produce sexual images and videos of themselves. Offenders send minors pornography, explicit instructions, and in some cases, they send sex toys for the minor to utilize in the photo and videos. This conduct is currently not prohibited in the current 3-324 statute.

Adding 11-207 Production of Child Pornography to the listed prohibited offenses in 3-324 Sexual Solicitation of a Minor will enable law enforcement to hold offenders accountable and protect female children that are being victimized online.

For these reasons, MLAW strongly urges the passage of SB113.

MLAW 2024 Supporting Organizations

The following organizations have signed on in support of our 2024 Legislative Agenda*:

1199 SEIU United Healthcare Workers East
AAUW Anne Arundel County
AAUW Garrett Branch
AAUW Kensington-Rockville Branch
AAUW Maryland
Adolescent Single Parent Program (PGCPS)
Anne Arundel County NOW
Baltimore County Commission for Women
Black Women for Positive Change, Baltimore Chapter
Bound for Better, Advocates for Domestic Violence
Child Justice, Inc.
Church Women United, Inc.
Climate XChange Maryland
Court Watch Montgomery
CTLDomGroup Inc
DABS Consulting, LLC
Engage Mountain Maryland
Frederick County Commission For Women
If/When/How at University of Baltimore School of Law
Les Etoiles in Haiti
Maryland Coalition Against Sexual Assault
Maryland Legislative Coalition
Maryland Network Against Domestic Violence
Miller Partnership Consultants
MomsRising
Montgomery County NOW
National Organization for Women, Maryland Chapter
Prince George's County Public Schools
Rebuild, Overcome, and Rise (ROAR) Center at University of MD, Baltimore
REHarrington Plumbing and Heating
Reproductive Justice Maryland
Stella's Girls
The Hackerman Foundation
Top Ladies of Distinction Prince George's County
TurnAround Inc.
Women's Equity Center and Action Network (WE CAN)
Women's Law Center of Maryland
Zeta Phi Beta Sorority, Incorporate - Alpha Zeta Chapter
Zonta Club of Annapolis

**sign-ons as of 1/23/24*

Maryland Legislative Agenda for Women

**102 W. Pennsylvania Avenue, Suite 100 • Towson, MD 21204 • 443-519-1005 phone/fax
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Frederick County Sheriff's Office

Uploaded by: Kayla Straub

Position: FAV

FREDERICK COUNTY SHERIFF'S OFFICE

HEADQUARTERS FREDERICK COUNTY LAW ENFORCEMENT CENTER

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CHARLES A. JENKINS
SHERIFF

JUDICIAL OPERATIONS

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DETENTION CENTER/ CENTRAL BOOKING

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Frederick, Md. 21704
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301-600-2566 (D.C. Fax)
301-600-1790 (C.B.)
301-600-1791 (C.B. Fax)

WORK RELEASE CENTER

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301-600-3404 (Fax)

TO: Judicial Proceedings Committee

FROM: Detective Kayla Staub

REF: SB113 Sexual Solicitation of a Minor

DATE: January 22, 2024

My name is Kayla Staub, and I am a Detective with the Frederick County Sheriff's Office where I have been for the past seven-and-a-half years. I am currently assigned to the Internet Crimes Against Children Unit (ICAC). During my career as a police officer, I served five years on patrol, one year investigating child abuse and sexual abuse cases, and have been assigned to ICAC for approximately one year.

Founded in 2018, the primary mission of the Frederick County Sheriff's Office ICAC Unit is to conduct thorough investigations into internet-driven crimes against children, including offenses such as child sexual assault material (CSAM), trafficking, and online luring. Collaborating closely with the National Center for Missing and Exploited Children (NCMEC) and various state and federal agencies, the Frederick County Sheriff's Office ICAC Unit is dedicated to combating online child predation and other computer-facilitated crimes targeting children. In addition, the Frederick County Sheriff's Office ICAC Unit plays a crucial role in increasing awareness through outreach services and educating communities about the susceptibility of children to cybercrime and the significant consequences of technology-driven crimes on young individuals.

Through training, investigators are taught several techniques and guidelines that must be followed when communicating with individuals while using the persona of a minor. The guidelines include but are not limited to, not initiating a

conversation with an adult, including direct messaging, and responding to online Ads. Furthermore, the Undercover detective (UC) posing as a minor cannot initiate a sexualized conversation.

Throughout my experience of undercover investigations as of April 2023, I've been solicited for explicit images numerous times, while posing as a 13-year-old female minor. During that time, three of the four males who solicited explicit images, traveled to Frederick County, MD intending to engage in several sex acts. As an example, I have been on a known online chat platform that sexual child predators frequently use, and I was solicited within seconds of joining the chatroom for explicit images by several individuals. Almost every individual that I've communicated with as a minor, has solicited nude images. These individuals will promise not to share those images and promise not to screenshot or save the images. Furthermore, some of these individuals will promise some sort of payment. Additionally, these individuals attempt to move to a different social media platform, such as Snapchat, believing those images, videos, and chat will "disappear" and make the child more comfortable sending and exchanging sexual images.

Although vulgar, I think it is important for lawmakers to know how direct and persistent these predators can be. Here are some examples of messages that I have personally received while posing as a 13 year old female:

- "Never too young. Show me pics of you and that pussy you got."
"Show me your pussy I love young pussy."
- "Pull your panties down right now and send me a picture of your pussy"
- "Can you please send me a pic of it promise I will not show anyone?"
- "Showing me a pic of your pussy is no different."
- "If you wont send me a pic of that pussy how about a pic of you in your panties."
- "Why would a pic of your pussy be embarrassing? You got a piece of gold there with in being untouched."
- Can I get a pic of that pussy now
- I don't care how big or small your boobs are. I will delete it that picture. Cut off your face, and no one would ever know. Its not hard to send a picture like that
- If I send you a picture of my cock, will you send me a picture of your pussy

While some of these dangerous individuals who prey on children, don't travel to engage in the sexual act, they still have gained access to explicit nude images/videos of children. That child becomes vulnerable in many ways, including being extorted for money, or threatening that those images will be exposed. This can cause psychological damage to the child, and in some cases, the child will attempt to harm themselves, unfortunately, some are successful at

committing suicide due to the damage those individuals caused to the child. Not only can the child be extorted for money, but these child predators exchange those images/videos with other individuals who share the same interest in children. In today's world, with electronics, different forms of social media platforms that have end-to-end encryption make it easier to exchange those images with lower expectations they'll be exposed.

In my experience of undercover chatting, these individuals will often admit to engaging in chatting, exchanging images, and/or engaging in a sexual act with a child.

A recent case, that I conducted posing a 13-year-old minor, revealed this individual chatting with numerous minors, and admitting to exchanging explicit nude images with two minors the evening before traveling to Frederick County, MD to engage in several sexual acts with whom he believed was a 13-year-old minor. Additionally, this case, revealed this individual communicating with a minor residing in Maryland. This individual admitted to communicating with the minor, furthermore, stating he currently possesses child pornography of that victim on his device.

These dangerous individuals receive sexual gratification, stimulation, and satisfaction from contact with children; or from fantasies they may have viewing children engaged in sexual activity or sexually suggestive poses, such as in person, in photographs, or in other visual media.

I support Senate Bill 113 to augment the sexual solicitation of a minor to include the solicitation of child pornography during undercover chat investigations. I have conducted several undercover online investigations and each time, I am online I am solicited for nude images. For every child sexual predator, I'm chatting with, there is one real child not being victimized by being solicited for explicit nude images and/or sexual acts.

solicitation of a minor - CP - testimony - senate

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

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Phone: 301-565-2277
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For more information contact:
Lisae C. Jordan, Esquire
443-995-5544

Testimony Supporting Senate Bill 113
Lisae C. Jordan, Executive Director & Counsel
January 25, 2024

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute which provides direct legal services for survivors across the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 113.

**Senate Bill 113 – Sexual Solicitation of a Minor – Images of Child Sexual Abuse
(Child Pornography)**

This bill would update Maryland's sexual solicitation of a minor statute to include a solicitation to violate child pornography laws, Criminal Law §11-207.

Since the pandemic, sex offenders are increasingly using technology to groom children and persuade them to create sexual images of themselves. A study in the UK found online grooming crimes continue to climb and have jumped by more than 80% in four years, <https://www.nspcc.org.uk/about-us/news-opinion/2022/online-grooming-crimes-rise/>. Children in the US face similarly high rates of on-line solicitation. This often includes interacting with children via social media, apps, and games, and the creation of sexual images. Current law prohibits some of the activities of these offenders, but gaps remain. Senate Bill 113 helps close a remaining loophole.

Maryland's current sexual solicitation of a minor law is structured to address an offender soliciting a child to violate a list of sex crimes and trafficking laws. The current law also permits prosecution when an offender solicits a parent or guardian of the child to commit one of the listed sexual crimes. Finally, if an offender solicits a law enforcement officer posing as a child or posing as the parent or guardian of a child, the offender can be convicted. This piece of the statute is particularly important because the child pornography law does not cover solicitation to a parent or guardian or to a law enforcement officer posing as a parent, guardian or child.

Senate Bill 113 will not affect current protections for teens involved in sexting. The statute addressing this issue, Courts & Judicial Proceedings § 3-8A-35 specifically addresses §11-207 and diverts cases involving sexting.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 113**

SB 0113 favorable report.pdf

Uploaded by: Rebecca Cordero

Position: FAV

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January 24, 2024

The Honorable William Smith & Members of the Senate Judicial Proceedings Committee
Chairperson, Senate Judicial Proceedings Committee
11 Bladen Street
Annapolis, MD 21401

Re: Favorable Report for Senate Bill 113

Dear Chairperson Smith and JPR Committee Members:

I am a prosecutor in Calvert County, in charge of the Child Abuse, Child Exploitation, and Sexual Assault cases. I have been a prosecutor for the past 20 years. I write to you today in support of SB0113, Sexual Solicitation of a Minor through Child Pornography.

Currently, the statute for Sexual Solicitation of a Minor (3-324) is only applicable when an offender solicits a minor child (or undercover officer) for sexual acts or trafficking. It does not cover those instances where an offender contacts a minor to ask for child pornography. Solicitation of Child Pornography *can* be charged under 11-207, but because this statute covers so many different actsⁱ, it would make more sense legally to add the solicitation of Child Pornography to the Sexual Solicitation of a Minor Statute.

Additionally, the Sexual Solicitation of a Minor statute as it currently reads does not apply to Solicitation of Child Pornography involving law enforcement officers posing as a minor. This is another loophole in the law that HB0099 would rectify. An offender soliciting photos from an undercover officer cannot be charged under 11-207.

I have had many cases of this nature during my career, but one in particular involved an offender soliciting a child on Facebook Messenger. The child's father saw the messages and brought it to the attention of law enforcement. The Detective was able to pose as the minor and continue to respond to the messages, but because the offender was only asking for nude photos and videos from the undercover officer, there was not enough to charge him. House bill 99 would fix that gap in the law.

Because of Social Media platforms and Online Gaming, children are more vulnerable than ever to online predators. We need to have all of the tools possible to hold these offenders accountable. I strongly urge this Committee to issue a favorable report on HB0099.

Sincerely,

Rebecca Cordero

Rebecca Cordero
Senior Assistant State's Attorney
Calvert County State's Attorney's Office

ⁱ "knowingly promote, advertise, solicit, distribute, or possess with the intent to distribute any matter, visual representation, or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct". Criminal Law Article 11-207.

Senator Kelly SB113 FAV Testimony.pdf

Uploaded by: Senator Ariana Kelly

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

January 25, 2024

**Testimony in Support of SB113
Criminal Law – Sexual Solicitation of a Minor Through Child Pornography – Prohibition**

Dear Chair Smith, Vice Chair Waldstreicher, and Committee Members,

Thank you to Senator James for co-sponsoring this legislation with me. The bill was prefiled however we have an amendment to add Senator James name to this bill.

What does SB113 do?

Currently, Maryland's Criminal Law Article, Title 11 covers Indecency and Obscenity.

Section 207 of the Indecency Title is the "child pornography" statute which, among other things, makes it illegal for an individual to solicit a minor to engage in the production of obscene material. 11-207 is already the law. The penalties are 10 years and \$25,000 for a first offense.

I think we can all agree in this room that this is a good thing.

Not only is soliciting a minor to create child pornography criminal behavior in itself, as it should be - it is also sometimes a first step in online grooming a minor for future physical acts or trafficking. That's where Section 3- 324 comes in.

Under the current law against child pornography (under the Obscenity Title section 11-207), there is a gap that makes it difficult for law enforcement to prosecute individuals who are sexually targeting children online. SB113 adds a tool in the toolbox for law enforcement by linking the child pornography statute (11-207) to the existing "Sexual Solicitation of a Minor" statute (3-324).

Section 3-324 is a statute that defines "Sexual Solicitation of a Minor" and prohibits it. The definition is pretty straightforward. This legislation does not change the existing definition of "solicit" in the sex crimes subtitle- which can be in person or online.

All it does is appropriately add the production of child pornography reference 11-207 to the existing list of cross-referenced sex crimes against child. This would ensure the criminal penalties apply even when the "minor" being solicited to produce child pornography is an undercover police officer posing as a minor or parent. This addition would also cover the third

party solicitation which includes predators soliciting parents, siblings, neighbors, etc. to produce images of children.

JPR veterans will remember that Senator Lee and Delegate Pippy had a successful bill back in 2019 that added 11-303 and 11-307 into the "Solicitation of a Minor" statute. All SB113 does is add an eighth crime to the list of crimes referenced in this statute.

This is a small change in statute that will protect our children. As you'll hear from witnesses today, individuals who solicit minors for physical contact will often solicit them for the production of child pornography before asking to meet. Making this minor change in Maryland statute allows undercover law enforcement to act as a line of first defense between offenders and our children.

You're going to hear testimony today from Joyce King, an experienced prosecutor and Chief Counsel at the Frederick County State's Attorney's Office, who will explain in detail what this change in statute does and importantly, what it does not.

Major Jeff Eyler from the Frederick County Sheriff's Office will share with you the undercover operations process and the rampant solicitation of child pornography from offenders, including excerpts from an undercover detective who could not testify in person today due to her image being utilized for undercover operations.

Additionally, you will hear from Lisae Jordan with Maryland Coalition Against Sexual Assault on the change of behavior in child predators from targeting minors in public to online, in our increasingly technological world.

I thank you for your consideration and urge a favorable report on SB113.

A handwritten signature in cursive script that reads "Ariana Kelly".

2024-01-25 - SB 113 (Support).pdf

Uploaded by: Tiffany Clark

Position: FAV

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January 25, 2024

TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 113 – Criminal Law – Sexual Solicitation of a Minor Through
Child Pornography – Prohibition - **Favorable**

The Office of Attorney General urges this Committee to favorably report Senate Bill 113 sponsored by Senator Ariana Kelly. This bill expands the existing crime of sexual solicitation of a minor by prohibiting a person from committing the crime of sexual solicitation of minor with the intent to commit a violation of the prohibition against production or distribution of child pornography.

This type of legislation would strengthen the State's ability to protect the most vulnerable of Marylanders – our children. For the foregoing reasons, the Office of the Attorney General urges a favorable report of Senate Bill 113.

Cc: Senator Ariana Kelly