



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 "Arianne Kelly".