

# HOUSE BILL 1578

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CF SB 504

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By: **Delegates Anderson, Beitzel, Buckel, Conaway, Impallaria, and Sydnor**

Introduced and read first time: February 22, 2016

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Offenses – Threatening to Withhold Governmental**  
3 **Services**

4 FOR the purpose of prohibiting a State official, a local official, or a person employed by or  
5 under contract with the State or a local government unit from inducing, or  
6 attempting to induce, another person to engage in certain sexual acts by threatening  
7 to withhold governmental services to which the other person is entitled; establishing  
8 penalties for a violation of this Act; altering a certain definition to establish that a  
9 certain offense is subject to certain penalties; defining certain terms; and generally  
10 relating to sexual offenses.

11 BY adding to  
12 Article – Criminal Law  
13 Section 3–307.1  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Criminal Procedure  
18 Section 11–701(a)  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Criminal Procedure  
23 Section 11–701(o)  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2015 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Law**

2 **3–307.1.**

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) “LOCAL GOVERNMENT UNIT” HAS THE MEANING STATED IN §  
6 10–101 OF THE STATE GOVERNMENT ARTICLE.

7 (3) “LOCAL OFFICIAL” MEANS AN INDIVIDUAL SERVING IN A  
8 PUBLICLY ELECTED OFFICE IN A LOCAL GOVERNMENT UNIT.

9 (4) “STATE OFFICIAL” HAS THE MEANING STATED IN § 5–101 OF THE  
10 GENERAL PROVISIONS ARTICLE.

11 (B) A STATE OFFICIAL, A LOCAL OFFICIAL, OR A PERSON WHO IS EMPLOYED  
12 BY OR UNDER CONTRACT WITH THE STATE OR A LOCAL GOVERNMENT UNIT MAY NOT  
13 INDUCE OR ATTEMPT TO INDUCE ANOTHER PERSON TO ENGAGE IN VAGINAL  
14 INTERCOURSE OR A SEXUAL ACT BY THREATENING TO WITHHOLD GOVERNMENTAL  
15 SERVICES TO WHICH THE OTHER PERSON IS ENTITLED.

16 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND  
17 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

18 **Article – Criminal Procedure**

19 11–701.

20 (a) In this subtitle the following words have the meanings indicated.

21 (o) “Tier I sex offender” means a person who has been convicted of:

22 (1) conspiring to commit, attempting to commit, or committing a violation  
23 of § 3–307.1 OR § 3–308 of the Criminal Law Article;

24 (2) conspiring to commit, attempting to commit, or committing a violation  
25 of § 3–902 or § 11–208 of the Criminal Law Article, if the victim is a minor;

26 (3) a crime committed in a federal, military, tribal, or other jurisdiction  
27 that, if committed in this State, would constitute one of the crimes listed in item (1) or (2)  
28 of this subsection;

29 (4) any of the following federal offenses:

- 1 (i) misleading domain names on the Internet under 18 U.S.C. §  
2 2252B;
- 3 (ii) misleading words or digital images on the Internet under 18  
4 U.S.C. § 2252C;
- 5 (iii) engaging in illicit conduct in foreign places under 18 U.S.C. §  
6 2423(c);
- 7 (iv) failure to file a factual statement about an alien individual under  
8 18 U.S.C. § 2424;
- 9 (v) transmitting information about a minor to further criminal  
10 sexual conduct under 18 U.S.C. § 2425;
- 11 (vi) sex trafficking by force, fraud, or coercion under 18 U.S.C. § 1591;  
12 or
- 13 (vii) travel with intent to engage in illicit conduct under 18 U.S.C. §  
14 2423(b);
- 15 (5) any military offense specified by the Secretary of Defense under Section  
16 115(A)(8)(C)(i) of Public Law 105–119 (codified at 10 U.S.C. § 951 Note) that is similar to  
17 those offenses listed in item (4) of this subsection; or
- 18 (6) a crime in a court of Canada, Great Britain, Australia, New Zealand, or  
19 any other foreign country where the United States Department of State has determined in  
20 its Country Reports on Human Rights Practices that an independent judiciary generally or  
21 vigorously enforced the right to a fair trial during the year in which the conviction occurred  
22 that, if the crime were committed in this State, would constitute one of the crimes listed in  
23 items (1) through (5) of this subsection.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2016.