

SENATE BILL 308

D4

EMERGENCY BILL
ENROLLED BILL

(71r0094)

— Judicial Proceedings/Judiciary —

Introduced by **The President (By Request – Administration) and Senators Bates, Brochin, Cassilly, Eckardt, Edwards, Ferguson, Hershey, Hough, Jennings, Lee, Mathias, Norman, Ready, Salling, Serafini, Simonaire, ~~and Waugh~~ Waugh, and Muse**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Child Abuse – Sex Trafficking**
3 **(Protecting Victims of Sex Trafficking Act of 2017)**

4 FOR the purpose of altering the definition of “sexual abuse” in provisions of law relating to
5 child abuse to include the sex trafficking of a child *by any individual*; defining the
6 terms “sexual molestation or exploitation” and “sex trafficking” in provisions of law
7 relating to child abuse; making this Act an emergency measure; and generally
8 relating to child abuse and sex trafficking.

9 BY adding to
10 Article – Family Law
11 Section 5–701(x)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2016 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Family Law
5 Section 5–701(x) and (y)
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2016 Supplement)

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

10 **Article – Family Law**

11 5–701.

12 **(X) “SEX TRAFFICKING” MEANS THE RECRUITMENT, HARBORING,**
13 **TRANSPORTATION, PROVISION, OBTAINING, PATRONIZING, OR SOLICITING OF A**
14 **CHILD FOR THE PURPOSE OF A COMMERCIAL SEX ACT.**

15 **[(x) (1)] (Y) “Sexual abuse” means any act that involves [sexual molestation**
16 **or exploitation of a child by]:**

17 **(1) SEXUAL MOLESTATION OR EXPLOITATION OF A CHILD BY** a parent
18 **or other person who has permanent or temporary care or custody or responsibility for**
19 **supervision of a child, or by any household or family member; OR**

20 **(2) SEX TRAFFICKING OF A CHILD BY ANY INDIVIDUAL.**

21 **[(2)] (Z) [“Sexual abuse”] “SEXUAL MOLESTATION OR EXPLOITATION”**
22 **includes:**

23 **[(i)] (1) allowing or encouraging a child to engage in:**

24 **[1.] (I) obscene photography, films, poses, or similar**
25 **activity;**

26 **[2.] (II) pornographic photography, films, poses, or similar**
27 **activity; or**

28 **[3.] (III) prostitution;**

29 **[(ii)] human trafficking;**

30 **[(iii)] (2) incest;**

- 1 [(iv)] (3) rape;
- 2 [(v)] (4) sexual offense in any degree;
- 3 [(vi)] (5) sodomy; and
- 4 [(vii)] (6) unnatural or perverted sexual practices.

5 [(y)] (AA) “Unsubstantiated” means a finding that there is an insufficient amount
6 of evidence to support a finding of indicated or ruled out.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety, has
9 been passed by a ye and nay vote supported by three-fifths of all the members elected to
10 each of the two Houses of the General Assembly, and shall take effect from the date it is
11 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.