

SENATE BILL 308

D4

EMERGENCY BILL

7lr0094
CF 7lr0150

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**

Introduced and read first time: January 20, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; defining the terms “sexual
6 molestation or exploitation” and “sex trafficking” in provisions of law relating to child
7 abuse; making this Act an emergency measure; and generally relating to child abuse
8 and sex trafficking.

9 BY adding to
10 Article – Family Law
11 Section 5–701(x)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2016 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 5–701(x) and (y)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2016 Supplement)

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

21 **Article – Family Law**

22 5–701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

9 **(2) SEX TRAFFICKING OF A CHILD.**

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

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

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

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

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

18 **[(ii) human trafficking;**

19 **(iii)] (2) incest;**

20 **[(iv)] (3) rape;**

21 **[(v)] (4) sexual offense in any degree;**

22 **[(vi)] (5) sodomy; and**

23 **[(vii)] (6) unnatural or perverted sexual practices.**

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

26 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act is an emergency
 27 measure, is necessary for the immediate preservation of the public health or safety, has
 28 been passed by a yea and nay vote supported by three-fifths of all the members elected to

1 each of the two Houses of the General Assembly, and shall take effect from the date it is
2 enacted.