

SENATE BILL 308

D4

EMERGENCY BILL

7lr0094
CF HB 632

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**

Introduced and read first time: January 20, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 1, 2017

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; 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)

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.



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

3 **Article – Family Law**

4 5–701.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.