

Chapter 151

(Senate Bill 308)

AN ACT concerning

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

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

BY adding to

Article – Family Law

Section 5–701(x)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–701(x) and (y)

Annotated Code of Maryland

(2012 Replacement Volume and 2016 Supplement)

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

Article – Family Law

5–701.

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

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

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

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

- includes:
- [(2)] (Z)** **["Sexual abuse"] "SEXUAL MOLESTATION OR EXPLOITATION"**
- [(i)] (1)** allowing or encouraging a child to engage in:
- activity;
- [1.] (I)** obscene photography, films, poses, or similar
- activity;
- [2.] (II)** pornographic photography, films, poses, or similar
- activity; or
- [3.] (III)** prostitution;
- [(ii)]** human trafficking;
- [(iii)] (2)** incest;
- [(iv)] (3)** rape;
- [(v)] (4)** sexual offense in any degree;
- [(vi)] (5)** sodomy; and
- [(vii)] (6)** unnatural or perverted sexual practices.

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

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

Approved by the Governor, April 18, 2017.