

SENATE BILL 959

E2, E1
HB 1001/21 – JUD

2lr3235
CF HB 471

By: **Senator Watson**

Introduced and read first time: February 14, 2022

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Indecent Exposure With Lascivious or Prurient Intent**

3 FOR the purpose of prohibiting a person from indecently exposing the person’s genitals
4 with lascivious or prurient intent in a public place in the presence of another;
5 altering a certain definition of “tier I sex offender” to include a person who has been
6 convicted of conspiring to commit, attempting to commit, or committing indecent
7 exposure with lascivious or prurient intent in a public place in the presence of certain
8 individuals; and generally relating to indecent exposure.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 11–107
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Criminal Law
16 Section 11–108
17 Annotated Code of Maryland
18 (2021 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 11–701(o)
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2021 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Criminal Procedure
26 Section 11–704(a)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2018 Replacement Volume and 2021 Supplement)

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

Article – Criminal Law

11–107.

(a) In this section, “indecent exposure” includes engaging in an act of masturbation in public, whether or not the person’s genitalia are exposed.

(b) A person convicted of **THE COMMON LAW OFFENSE OF** indecent exposure is guilty of a misdemeanor and is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

11–108.

(A) A PERSON MAY NOT INDECENTLY EXPOSE THE PERSON’S GENITALS WITH LASCIVIOUS OR PRURIENT INTENT IN A PUBLIC PLACE IN THE PRESENCE OF ANOTHER.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

Article – Criminal Procedure

11–701.

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

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

(2) CONSPIRING TO COMMIT, ATTEMPTING TO COMMIT, OR COMMITTING A VIOLATION OF § 11–108 OF THE CRIMINAL LAW ARTICLE IN THE PRESENCE OF A MINOR UNDER THE AGE OF 14 YEARS AND AT LEAST 4 YEARS YOUNGER THAN THE CONVICTED PERSON;

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

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

1 **[(4)] (5)** any of the following federal offenses:

2 (i) misleading domain names on the Internet under 18 U.S.C. §
3 2252B;

4 (ii) misleading words or digital images on the Internet under 18
5 U.S.C. § 2252C;

6 (iii) engaging in illicit conduct in foreign places under 18 U.S.C. §
7 2423(c);

8 (iv) failure to file a factual statement about an alien individual under
9 18 U.S.C. § 2424;

10 (v) transmitting information about a minor to further criminal
11 sexual conduct under 18 U.S.C. § 2425;

12 (vi) sex trafficking by force, fraud, or coercion under 18 U.S.C. § 1591;
13 or

14 (vii) travel with intent to engage in illicit conduct under 18 U.S.C. §
15 2423(b);

16 **[(5)] (6)** any military offense specified by the Secretary of Defense under
17 Section 115(A)(8)(C)(i) of Public Law 105–119 (codified at 10 U.S.C. § 951 Note) that is
18 similar to those offenses listed in item **[(4)] (5)** of this subsection; or

19 **[(6)] (7)** a crime in a court of Canada, Great Britain, Australia, New
20 Zealand, or any other foreign country where the United States Department of State has
21 determined in its Country Reports on Human Rights Practices that an independent
22 judiciary generally or vigorously enforced the right to a fair trial during the year in which
23 the conviction occurred that, if the crime were committed in this State, would constitute
24 one of the crimes listed in items (1) through **[(5)] (6)** of this subsection.

25 11–704.

26 (a) A person shall register with the person’s supervising authority if the person
27 is:

28 (1) a tier I sex offender;

29 (2) a tier II sex offender;

30 (3) a tier III sex offender; or

31 (4) a sex offender who is required to register by another jurisdiction, a

1 federal, military, or tribal court, or a foreign government, and who is not a resident of this
2 State, and who enters this State:

3 (i) to begin residing or to habitually live;

4 (ii) to carry on employment;

5 (iii) to attend a public or private educational institution, including a
6 secondary school, trade or professional institution, or institution of higher education, as a
7 full-time or part-time student; or

8 (iv) as a transient.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2022.