

Chapter 835

(House Bill 99)

AN ACT concerning

Criminal Law – Sexual Solicitation of a Minor Through Child Pornography – Prohibition

FOR the purpose of prohibiting an individual from knowingly and with a certain intent soliciting a minor or law enforcement officer posing as a minor to engage in certain prohibited sexual acts with the minor by a certain means; and generally relating to sexual solicitation of a minor.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–324
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–207(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

Article – Criminal Law

3–324.

(a) In this section, “solicit” means to command, authorize, urge, entice, request, or advise a person by any means, including:

- (1) in person;
- (2) through an agent or agency;
- (3) over the telephone;
- (4) through any print medium;
- (5) by mail;
- (6) by computer or Internet; or

(7) by any other electronic means.

(b) (1) A person may not, with the intent to commit a violation of § 3–304 or § 3–307 of this subtitle or **§ 11–207**, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article, knowingly solicit a minor, or a law enforcement officer posing as a minor, to engage in activities that would be unlawful for the person to engage in under § 3–304 or § 3–307 of this subtitle or **§ 11–207**, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article.

(2) A person may not, with the intent to commit a violation of § 3–304 or § 3–307 of this subtitle or **§ 11–207**, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article, knowingly solicit the consent of a parent, guardian, or custodian of a minor, or a law enforcement officer posing as a parent, guardian, or custodian of a minor, to engage in activities with the minor that would be unlawful for the person to engage in under § 3–304 or § 3–307 of this subtitle or **§ 11–207**, § 11–303, § 11–304, § 11–305, § 11–306, or § 11–307 of this article.

(c) A violation of this section is considered to be committed in the State for purposes of determining jurisdiction if the solicitation:

(1) originated in the State; or

(2) is received in the State.

(d) A person who violates this section is guilty of a felony and on conviction is subject to:

(1) for a first offense, imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both; and

(2) for a second or subsequent offense, imprisonment not exceeding 20 years or a fine not exceeding \$50,000 or both.

11–207.

(a) A person may not:

(1) cause, induce, solicit, or knowingly allow a minor to engage as a subject in the production of obscene matter or a visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct;

(2) photograph or film a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(3) use a computer to depict or describe a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct;

(4) knowingly promote, advertise, solicit, distribute, or possess with the intent to distribute any matter, visual representation, or performance:

(i) that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct; or

(ii) in a manner that reflects the belief, or that is intended to cause another to believe, that the matter, visual representation, or performance depicts a minor engaged as a subject of sadomasochistic abuse or sexual conduct; or

(5) use a computer to knowingly compile, enter, transmit, make, print, publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice, statement, advertisement, or minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of engaging in, facilitating, encouraging, offering, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 16, 2024.