



Maryland Legislative Agenda for Women

Bill No: Senate Bill 231
Title: Sexual Solicitation of a Minor - Solicitation Through Parent, Guardian, or Custodian - Prohibition and Penalties
Committee: Judicial Proceedings
Hearing Date: January 30, 2020
Position: SUPPORT

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW's purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **Senate Bill 231 a priority on the 2020 MLAW Agenda.**

MLAW supports Senate Bill 231 because this bill would expand the definition of sexual solicitation of a minor to include the solicitation of the parent, legal guardian, or custodian of a minor, or a hypothetical minor, to consent to the participation of such a minor in sexual acts.

Sexual solicitation of a minor often occurs via that minor's parent or guardian. Currently, such solicitation is not prohibited by Maryland Code. Further, the current Maryland Code includes no provision prohibiting the solicitation of a minor when such a minor is hypothetical (*Criminal Law, § 3-324. Sexual solicitation of minors*). For example, under current law, a person may sexually solicit a hypothetical minor via what the solicitor believes to be the parent of a minor but if no such minor exists, the act is not prohibited. This hole in Code was highlighted by a decision handed down by the Maryland Court of Special Appeals in *Vaqqar Choudry v. State of Maryland*. Choudry arranged via a third party to go to a motel room to engage in sexual relations with a prepubescent girl. However, because the prepubescent girl did not actually exist (the third party had instead notified the police), Chodhury was found not guilty. While the sexual solicitation of a hypothetical minor has no immediate victim, such solicitation increases the likelihood of actual child rape and should be treated as seriously as sexual solicitation of an actual minor.

The legislation would close the loopholes mentioned in the section above in order to deter and more easily prosecute the actual and the attempted sexual solicitation of a minor in Maryland. The victims of sexual solicitation and child rape include many young women, and this legislation seeks to close loopholes that allow sexual predators to escape prosecution.

The proposed legislation expands the existing Code (*Criminal Law, § 3-324. Sexual solicitation of minors*) to affirmatively prohibit the sexual solicitation of a minor, or hypothetical minor, via a parent, guardian, or custodian. The proposed bill also doubles the maximum penalties for the second offense of sexual solicitation of a minor from not to exceed 10 years in prison to not to exceed 20 years in prison and from a fine not to exceed \$25,000 to a fine not to exceed \$50,000.

The Maryland Legislative Agenda for Women strongly urges the passage of Senate Bill 231.

Maryland Legislative Agenda for Women (MLAW)

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MLAW Supporting Organizations

The following organizations have signed on in support of 2020 Legislative Agenda:

AAUW Maryland
Anne Arundel County Commission for Women
Anne Arundel County NOW
Baltimore County Women's Commission
Calvert County Commission for Women
Charles County Commission of Veterans Affairs
DC Coalition for Safe and Just Communities
Federation of Jewish Women's Organization of Maryland
Greater Washington Jewish Coalition Against Domestic Abuse (JCADA)
HopeWorks of Howard County
Law Office of Carole D. Brown, LLC
Lincoln Park Historical Foundation
Maryland Business and Professional Women
Maryland Coalition Against Sexual Assault
Maryland NOW
Maryland Women's Heritage Center
MoCoWoMen
Montgomery County BPW
Montgomery County NOW
Montgomery County Women's Democratic Club
Montgomery County Young Democrats
National Coalition of 100 Black Women, Inc., Anne Arundel Chapter
National Coalition of 100 Black Women, Prince George's County, Md
North Arundel Alumnae Chapter, Delta Sigma Theta Sorority, Inc.
On Our Own of Montgomery County Inc.
Planned Parenthood of Maryland
Prince George's County Drug Policy Coalition, Inc.
The Human Trafficking Prevention Project
The Law Office of Jessica O'Kane
The QED Foundation
Women's Equality Day 2020 Celebration Coalition
Women's Law Center of Maryland