

SENATE BILL 271

E1

7lr1902

By: **Senators Lee, Benson, Kelley, and Young**

Introduced and read first time: January 20, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Prostitution and Assignment – Penalties**

3 FOR the purpose of altering the penalty to which a person is subject on conviction of
4 procuring or soliciting or offering to procure or solicit for prostitution or assignment;
5 altering the penalty to which a person is subject on conviction of engaging in
6 prostitution or assignment; altering the penalty to which a person is subject for
7 keeping, setting up, occupying, maintaining, or operating certain structures for
8 prostitution or assignment; and generally relating to prostitution and assignment.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 11–306
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2016 Supplement)

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

16 **Article – Criminal Law**

17 11–306.

18 (a) A person may not knowingly:

19 (1) [engage in prostitution or assignment by any means;

20 (2) keep, set up, occupy, maintain, or operate a building, structure, or
21 conveyance for prostitution or assignment;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3)] allow a building, structure, or conveyance owned or under the person's control to be used for prostitution or assignation; **OR**

[(4)] **(2)** allow or agree to allow a person into a building, structure, or conveyance for prostitution or assignation[]; or

(5) procure or solicit or offer to procure or solicit for prostitution or assignation].

(B) A PERSON MAY NOT KNOWINGLY PROCURE OR SOLICIT OR OFFER TO PROCURE OR SOLICIT FOR PROSTITUTION OR ASSIGNATION.

(C) A PERSON MAY NOT KNOWINGLY:

(1) ENGAGE IN PROSTITUTION OR ASSIGNATION BY ANY MEANS; OR

(2) KEEP, SET UP, OCCUPY, MAINTAIN, OR OPERATE A BUILDING, STRUCTURE, OR CONVEYANCE FOR PROSTITUTION OR ASSIGNATION.

[(b)] **(D) (1)** A person who violates **SUBSECTION (A) OF** this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

(2) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

(3) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$250 OR BOTH.

[(c)] **(E) (1)** Subject to paragraph (2) of this subsection, in a prosecution under this section, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another who was charged with violating the prohibition against human trafficking under § 11–303 of this subtitle or under federal law.

(2) A defendant may not assert the affirmative defense provided in paragraph (1) of this subsection unless the defendant notifies the State's Attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.