

SENATE BILL 912

D4

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CF 7lr1955

By: **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Children in Need of Assistance – Sex Trafficking**

3 FOR the purpose of altering the definition of “sexual abuse” in provisions of law relating to
4 children in need of assistance to include an act that involves the sex trafficking of a
5 child by any individual; defining the terms “sexual molestation or exploitation” and
6 “sex trafficking” in provisions of law relating to children in need of assistance;
7 making certain conforming changes; and generally relating to children in need of
8 assistance and sex trafficking.

9 BY repealing and reenacting, without amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–801(a) and (f)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2016 Supplement)

14 BY adding to
15 Article – Courts and Judicial Proceedings
16 Section 3–801(x)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Courts and Judicial Proceedings
21 Section 3–801(x), (y), (z), (aa), (bb), and (cc)
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

3–801.

(a) In this subtitle the following words have the meanings indicated.

(f) “Child in need of assistance” means a child who requires court intervention because:

(1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and

(2) The child’s parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child’s needs.

(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 an act that involves [sexual]:

(1) SEXUAL molestation or [sexual] exploitation of a child by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member; **OR**

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

[(2)] (Z) [“Sexual abuse”] **“SEXUAL MOLESTATION OR EXPLOITATION”** includes:

[(i)] (1) Allowing or encouraging a child to engage in:

[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;

1 [(iv)] **(3)** Rape;

2 [(v)] **(4)** Sexual offense in any degree;

3 [(vi)] **(5)** Sodomy; and

4 [(vii)] **(6)** Unnatural or perverted sexual practices.

5 [(y)] **(AA)** “Shelter care” means a temporary placement of a child outside of the
6 home at any time before disposition.

7 [(z)] **(BB)** “Shelter care hearing” means a hearing held before disposition to
8 determine whether the temporary placement of the child outside of the home is warranted.

9 [(aa)] **(CC)** “TPR proceeding” means a proceeding to terminate parental rights.

10 [(bb)] **(DD)** “Voluntary placement” means a placement in accordance with §
11 5–525(b)(1)(i) or (iii) or (3) of the Family Law Article.

12 [(cc)] **(EE)** “Voluntary placement hearing” means a hearing to obtain a judicial
13 determination as to whether continuing a voluntary placement is in the best interests of
14 the child.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
16 1, 2017.