

Chapter 156

(Senate Bill 912)

AN ACT concerning

Children in Need of Assistance – Sex Trafficking

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

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

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

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

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

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;

[(iv)] (3) Rape;

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

[(vi)] (5) Sodomy; and

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

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

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

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

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

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

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

Approved by the Governor, April 18, 2017.