

SENATE BILL 504

E1

6lr1086

By: **Senators Pugh, Astle, Benson, Brochin, Cassilly, Conway, Currie, DeGrange, Eckardt, Edwards, Feldman, Ferguson, Gladden, Guzzone, Hershey, Hough, Jennings, Kagan, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Muse, Nathan–Pulliam, Peters, Pinsky, Ramirez, Raskin, Ready, Rosapepe, Salling, Serafini, Waugh, Young, and Zirkin**

Introduced and read first time: February 3, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Sexual Offenses – Threatening to Withhold Governmental**
3 **Services**

4 FOR the purpose of prohibiting a State official, a local official, or a person employed by or
5 under contract with the State or a local government unit from inducing, or
6 attempting to induce, another person to engage in certain sexual acts by threatening
7 to withhold governmental services to which the other person is entitled; establishing
8 penalties for a violation of this Act; altering a certain definition to establish that a
9 certain offense is subject to certain penalties; defining certain terms; and generally
10 relating to sexual offenses.

11 BY adding to
12 Article – Criminal Law
13 Section 3–307.1
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Criminal Procedure
18 Section 11–701(a)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Criminal Procedure
23 Section 11–701(o)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2015 Supplement)

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

5 **Article – Criminal Law**

6 **3–307.1.**

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) “LOCAL GOVERNMENT UNIT” HAS THE MEANING STATED IN §
10 10–101 OF THE STATE GOVERNMENT ARTICLE.

11 (3) “LOCAL OFFICIAL” MEANS AN INDIVIDUAL SERVING IN A
12 PUBLICLY ELECTED OFFICE IN A LOCAL GOVERNMENT UNIT.

13 (4) “STATE OFFICIAL” HAS THE MEANING STATED IN § 5–101 OF THE
14 GENERAL PROVISIONS ARTICLE.

15 (B) A STATE OFFICIAL, A LOCAL OFFICIAL, OR A PERSON WHO IS EMPLOYED
16 BY OR UNDER CONTRACT WITH THE STATE OR A LOCAL GOVERNMENT UNIT MAY NOT
17 INDUCE OR ATTEMPT TO INDUCE ANOTHER PERSON TO ENGAGE IN VAGINAL
18 INTERCOURSE OR A SEXUAL ACT BY THREATENING TO WITHHOLD GOVERNMENTAL
19 SERVICES TO WHICH THE OTHER PERSON IS ENTITLED.

20 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND
21 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

22 **Article – Criminal Procedure**

23 11–701.

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

25 (o) “Tier I sex offender” means a person who has been convicted of:

26 (1) conspiring to commit, attempting to commit, or committing a violation
27 of § 3–307.1 OR § 3–308 of the Criminal Law Article;

28 (2) conspiring to commit, attempting to commit, or committing a violation
29 of § 3–902 or § 11–208 of the Criminal Law Article, if the victim is a minor;

1 (3) a crime committed in a federal, military, tribal, or other jurisdiction
2 that, if committed in this State, would constitute one of the crimes listed in item (1) or (2)
3 of this subsection;

4 (4) any of the following federal offenses:

5 (i) misleading domain names on the Internet under 18 U.S.C. §
6 2252B;

7 (ii) misleading words or digital images on the Internet under 18
8 U.S.C. § 2252C;

9 (iii) engaging in illicit conduct in foreign places under 18 U.S.C. §
10 2423(c);

11 (iv) failure to file a factual statement about an alien individual under
12 18 U.S.C. § 2424;

13 (v) transmitting information about a minor to further criminal
14 sexual conduct under 18 U.S.C. § 2425;

15 (vi) sex trafficking by force, fraud, or coercion under 18 U.S.C. § 1591;
16 or

17 (vii) travel with intent to engage in illicit conduct under 18 U.S.C. §
18 2423(b);

19 (5) any military offense specified by the Secretary of Defense under Section
20 115(A)(8)(C)(i) of Public Law 105–119 (codified at 10 U.S.C. § 951 Note) that is similar to
21 those offenses listed in item (4) of this subsection; or

22 (6) a crime in a court of Canada, Great Britain, Australia, New Zealand, or
23 any other foreign country where the United States Department of State has determined in
24 its Country Reports on Human Rights Practices that an independent judiciary generally or
25 vigorously enforced the right to a fair trial during the year in which the conviction occurred
26 that, if the crime were committed in this State, would constitute one of the crimes listed in
27 items (1) through (5) of this subsection.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2016.